RCRA Inspection Report

1) Inspector and Author of Report

Alan Newman
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
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Atlanta, Georgia 30303 Email: newman.alan@epa.gov

2) Facility Information

Century Aluminum
9404 State Route 2096
Robards, Kentucky 42452
Henderson County
EPA ID No.: KYD058692526

3) Responsible Officials

Mr. Chris Goddard
Environmental Manager- Sebree Plant
(270) 521-6215 (Office)
(270) 929-1277 (Mobile)
(270) 521-7365
christopher.goddard@centuryaluminum.com

4) Inspection Participants

Chris Goddard	Century Aluminum
Zak Kleinschmidt	Century Aluminum
Sean Raes	Century Aluminum
Jim Phelps	Century Aluminum
Jeff Zachary	Century Aluminum
Royce McElwain	Century Aluminum
Ross Hardy	Century Aluminum
Curtis Scott	KDEP
Leslie Carr-Poly	KDEP
Alan Newman	EPA

5) Date and Time of Inspection

December 1, 2021, 7:55 A.M. to 4:30 P.M. C.S.T. and December 2, 2021, 7:55 A.M. to 4:30 P.M. C.S.T.

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), and 40 Code of Federal Regulation (C.F.R.) Parts 260 - 270, 273, 278, & 279; Rules Governing Hazardous Waste Management Title 401 of Kentucky Administrative Regulations (401 K.A.R.) Chapters 30 through 40 and 44 Kentucky Department for Environmental Protection.

As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

Kentucky Revised Statutes Title XVIII, Chapter 224, Subchapter 46-Hazardous Waste *et seq.* (2006), and Title 401 of the Kentucky Administrative Regulations (K.A.R.) Chapters 30 through 38, 43 and 44 (2006).

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 260.10], a large quantity generator of hazardous waste (LQG) is a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste in a calendar month.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.17], an LQG may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by KRS 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 401 KAR 39:080 Section 1 [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by KRS 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.9], a small quantity handler of universal waste (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine Century Aluminum compliance with the applicable requirements of RCRA and the corresponding Kentucky regulations. This was an EPA lead inspection.

8) Previous Inspection History

KDEP has conducted three RCRA CEIs at the subject facility between 2016 and 2020 and found seven violations during those inspections. On July 6, 2020, KDEP conducted the most recent RCRA CEI at the subject facility and found six apparent violations of RCRA's requirements for used oil, universal waste, satellite accumulation area, and the contingency plan. As a result, KDEP issued an informal enforcement action to Century Aluminum on July 16, 2020, and later verified that the facility had returned to compliance during a follow-up inspection on August 14, 2020.

9) Facility Description

Century Aluminum-Sebree LLC (Century Aluminum or the facility) is a primary aluminum smelting plant and operates as a large quantity generator of hazardous waste, a small quantity handler of universal waste, and a used oil generator. Century Aluminum most recently notified KDEP of their hazardous waste activity on June 2, 2021. The facility generates 15 hazardous waste streams historically including:

1. Waste Aluminum Smelting By-Product (K088) (Toxic, Reactive)
2. Mixed Laboratory Waste Solvent (D001, D019, F003, F005) (Ignitable, Toxic)
3. Laboratory Waste Acid Mix (D001, D006, D007) (Ignitable)
4. Miscellaneous Petroleum Based Waste (D001, D018) (Ignitable)
5. Lab Pack Waste – Solid (P, D, U wastes) (Corrosive)
6. Lab Pack Waste - Liquid (P, D, U wastes) (Corrosive)
7. Lead Paint Chips (D008) (Toxic)
8. Waste Mercury Contained in Manufactured Articles (D009) (Toxic)
9. Waste Aerosols (D001) (Ignitable)
10. Waste Compressed Gas (Ethyl Ether (D001) (Ignitable))
11. Waste Ink/Solvent Mixture (D001) (Ignitable)
12. Waste Sodium Hydroxide and Sodium Hypochlorite Mixture (D001, D002) (Ignitable, Corrosive)
13. Potassium Cyanide (P098, D003) (Toxic, Reactive)
14. Waste Paint and Paint Related Material - Solid (D001) (Ignitable)
15. Waste Paint and Paint Related Material – Liquid (D001) (Ignitable)

Generally, aluminum ore is shipped to the facility by barge. The aluminum ore is stored prior to introduction into the process. During production, alumina is placed into reduction cells (pots) along with carbon electrodes that are manufactured on site. When electric current is applied, a reduction reaction separates the aluminum metal. The molten aluminum sinks to the bottom of the pot, and gaseous by-products form at the top of pot. The gases are cleaned with fluoride scrubbers to remove contaminants before being released. Molten aluminum is siphoned from the bottom of the pot and then transported to a holding furnace to be cast into ingots and billets. Century Aluminum manufactures approximately 226,000 tons of aluminum each year. The NAICS code for this process is 331313 – alumina refining and primary aluminium production.

Century Aluminum began operations at this location in 1974 and employs approximately 510 workers. Workers are on four 12-hour rotating shifts. The facility occupies approximately 2,600 acres. Century Aluminum operates 24 hours a day, seven days a week, 365 days a year.

10) Opening Conference

On December 1-2, 2021, EPA inspector Alan Newman, accompanied by KDEP's Curtis Scott arrived at Century Aluminum at approximately 7:55 a.m. Chris Goddard, Environmental Manager, immediately received the inspectors. During the opening conference, the inspectors introduced themselves, showed their credentials, and explained the purpose of the visit. The inspectors described the anticipated use of equipment (digital camera) during the inspection and provided a request for records. The inspectors discussed the company's ability, pursuant to 40 C.F.R. §2.203, to assert a business confidentiality claim for information submitted to EPA. The company asserted a business confidentiality claim for photographs being taken of the potlines. Inspectors did not take photographs of the potlines due to additional personal protective gear being required. The inspection participants also discussed health and safety protocols and required personal protective equipment before Mr. Goddard led the inspectors on a tour of the Facility operations.

Mr. Goddard provided an overview of the facility's history and current operations during the opening conference. The company does not appear to meet the Small Business Regulatory Enforcement Fairness Act's classification of a "small business," which is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. Therefore, the EPA inspector did not provide a copy of the agency's information sheet for small businesses, which can be found at https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf.

11) Findings

Century Aluminum operates three pot lines with 128 pots per line for a total of 384 pots. The pots have a steel shell with a series of insulating linings including refractory brick. Inside the pot, cathode carbon blocks are cemented together with ramming paste at the bottom of the pot. The top surface of the cathode is in contact with the molten metal. The prebaked anode block is also made of carbon and is suspended at the top and into the electrolytic reducing bath. The life of a pot is approximately four to five years.

The bulk of hazardous waste generated at this facility occurs during the routine maintenance of the pots, which generates spent pot liner (SPL), a K088 listed hazardous waste (spent aluminum potliner from primary aluminum reduction). "Tap out" occurs when the insulation layers of the pot are breached, and the wall of the pot fails. When tap out occurs, the pot is taken out of service for maintenance. The resulting K088 SPL hazardous waste removed from the pot is collected in a roll off box, which is located next to the pot. During tap out, when waste material falls into the basement underneath the pot, workers separate materials that can be reworked and accumulate K088 SPL hazardous waste into hoppers. Roll off boxes are taken to the 90-day or less intermodal hazardous waste container storage area on the west side of the facility. Once the pot is cleaned out, the end portions of the shell are reused.

K088 SPL hazardous waste is transported off-site daily; and other hazardous waste streams are shipped off-site, as needed.

- Intermodal Boxes Central Accumulation Area (CAA)

Century Aluminum was operating a 90-day or less hazardous waste container storage area on the west side of the facility in an uncovered gravel parking lot. This area was flat. There was no secondary containment or bermed areas. There were 11 intermodal boxes in storage on the day of the inspection (Photos 1-4). The oldest accumulation start date was November 3, 2021. Each of the boxes appeared to be closed and in good condition. Two of the boxes were stored without aisle space in-between them. Facility personnel separated the boxes to allow for adequate aisle space during the inspection. A full container would weigh about 16 tons (32,000 lbs) with a tare weight of 7500 lbs tare wt.

Pursuant to 401 KAR 39:080 Section 1(1) [40 C.F.R. § 262.17(a)(6)], which incorporates 401 KAR 39:080 Section 1(1) [40 C.F.R. § 262.255], and is a condition of the LQG Permit Exemption, a generator is required to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

- Rodding and the Laboratory

The inspection team noted several satellite accumulation areas throughout the site. In rodding, there was one 55-gallon metal container accumulating waste acetone from cleaning the sprayer head from the ink jet printer (Photo 5). This container was labeled and in good condition. The bung on this container was open. Facility personnel closed the container during the inspection.

The inspection team noted three containers outside the laboratory, two hazardous waste overpack containers and one container of transformer oil (Photos 6-15). One container of spent acid/metal was inside an overpack container. This overpack was not labeled with a toxic indication of hazard to match the container inside. Facility personnel labeled this container during the inspection.

Inside the laboratory, the inspection team noted two partially full 2.5-liter plastic jugs, one of which was connected to the newly installed ICP (Photos 16-18). Neither of these containers were labeled with the words hazardous waste or with an indication of the hazard. One of these containers was open. Facility personnel labeled and closed these containers during the inspection.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(5)], which is a condition of the

SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words "Hazardous Waste" and (ii) with an indication of the hazards of the contents.

The inspection team noted multiple fire extinguishers that were marked with inspection tags that were over one year. The dates observed on these fire extinguishers were 11/2018, 6/2020, and 10/2020 (Photos 19-21). Century Aluminum changed how the testing for these fire extinguishers are tracked. Fire extinguishers are scanned; and annual testing is recorded in electronic format. The inspection team reviewed the electronic log and determined there were no violations with the fire extinguishers.

- Vehicle Maintenance Building

The inspection team noted multiple containers and a tank storing used oil, hazardous waste, and spent lead acid batteries in the vehicle maintenance shop (Photos 22-30). Facility representatives stated that spent, intact, lead-acid batteries are managed under 40 CFR Part 266 (Photo 22). A 230-gallon tank was utilized to store used oil (Photo 23). Century Aluminum was accumulating mixed fuel in a hazardous waste satellite accumulation container that was labeled, in good condition, and open (Photos 24-25). Facility personnel closed this container at the time of the inspection. The inspection team noted several inches of used oil accumulating in three yellow secondary containment pallets (Photos 26-27). The used oil in the secondary containment pallets were drained into containers. The inspection team noted four containers used to accumulate used oil that were not labeled with the words used oil (Photos 28-30).

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to 401 KAR 39:080 Section 4(1) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

Pursuant to 401 KAR 39:080 Section 4(1) [40 C.F.R. § 279.22(d)], upon detection of a release of used oil to the environment, the facility must clean up and manage properly the released used oil and other materials.

- Universal Waste Area and Stores

Century Aluminum stores universal waste in a shed with designated wooden boxes for 4-lamps and 8-foot lamps and other wastes (Photos 31-32). The two cardboard boxes inside the wooden box were dated 10/6/2021 and 11/22/2021. There was one 55-gallon metal container for broken fluorescent lamps (Mercury D009) that was labeled and closed, a 5-gallon bucket for mercury containing devices that was empty, and a wooden box to store miscellaneous lamps including metal halide lamps which was dated 11/4/2021 (Photo 32). There were two empty accumulation containers in the Stores area of the facility, one for universal waste lithium batteries and one for universal waste NiCad batteries (Photos 33-34). There were no violations noted in these areas.

- Used Oil Pad and Building 138.

The inspection team toured the used oil pad (Photos 35-43). There were multiple containers and tanks of used oil in this area. There was one used oil pipe that was labeled as "Waste Oil" (Photo 36). All containers and tanks were labeled and in good condition. This pipe was correctly labeled used oil during the inspection (Photo 37). This was an area of concern for the inspection team. The inspection team noted that the secondary containment for the Used Oil Pad appeared to be compromised by heavy equipment activity along the side to the pad (Photos 42-43). There was no waste in Building 138 on the day of the inspection. Two portions of pot shells were in this building (Photos 45-46). There was one empty SAA container in this building (Photos 47-48). There were no hazardous waste violations noted in these areas.

- Environmental Storage Shed

The inspection team inspected the environmental storage shed and noted multiple containers of universal waste and hazardous waste (Photos 49-52). There was one 55-gallon container used to accumulate waste aerosol cans as hazardous waste (Photos 50-51). There were three 5-gallon plastic containers used to accumulate universal waste lithium batteries and NiCad batteries and non-hazardous alkaline batteries. Each of these containers were empty on the day of the inspection (Photos 53).

- Building 43 CAA

Century Aluminum utilizes Building 43 as a CAA for storage of containerized wastes (Photos 53-56). The inspection team noted one large battery in this area on the day of the inspection (Photo 56). The battery was in poor condition such that it could not be considered intact and would not be eligible for management under 40 CFR 266 Subpart G. At the time of the inspection the facility had not made a hazardous waste determination on this battery.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

- On-site Clinic

Century Aluminum operates an on-site medical clinic (Photos 57-58). The inspection team discussed the potential applicability of the new 40 CFR 266 Subpart P regulations. Century Aluminum should perform a waste determination for any waste generated from clinic activities. Depending on the waste generated, the facility may be required to notify as a health care facility.

- Stores Department Old CAA

The inspection team noted multiple containers stored in the former CAA area for container storage which is now maintained by the Stores Department (Photos 59-76). The inspection team

asked for an accurate inventory of all the containers in this area and for documentation regarding their hazardous waste determination, if applicable. The inspection team noted 41 containers of materials on the concrete pad. Many of the containers were in poor condition. The inspection team noted one transformer that was leaking oil (Photos 59-61). The facility does not have the last analytical on this oil and will have to retest or treat as PCBs. An oil-like leak on the pad was in the vicinity of multiple containers (Photos 67 and76). The inspection team noted one container appeared to have water displacement. Used oil was visible on top of the container.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

Pursuant to 401 KAR 39:080 Section 4(1) [40 C.F.R. § 279.22(b)(2)], containers and aboveground tanks used to store used oil at generator facilities must not leak (no visible leaks).

Pursuant to 401 KAR 39:080 Section 4(1) [40 C.F.R. § 279.22(d)], upon detection of a release of used oil to the environment, the facility must clean up and manage properly the released used oil and other materials.

- Record Review

The inspection team reviewed multiple records at the facility including manifests, inspections, training records, the contingency plan and quick reference guide, waste minimization report, annual notification of hazardous waste activity, and waste determinations.

The actions that facility personnel should take in response to an emergency are described in the facility's Contingency Plan, which was last updated on 8/10/2020. The plan does not describe actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. The plan describes arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee. The plan lists the names and emergency telephone numbers for persons identified as emergency coordinators. Bradley Curry is listed as the primary emergency coordinator, and the other individuals are listed in the order in which they will assume responsibility as alternates.

The plan does not include an evacuation plan for personnel. This plan does describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

The quick reference guide does not include a map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; the locations of water supply (e.g., fire hydrant and its flow rate); and the identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms. The guide includes locations that are no longer designated as storage areas and is missing the recently implemented satellite area within the laboratory.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.17(a)(6)], which incorporates 401 KAR 39:080 Section 1 [40 C.F.R. § 262.261 (f)], and is a condition of the LQG Permit Exemption, the contingency plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.17(a)(6)], which incorporates 401 KAR 39:080 Section 1 [40 C.F.R. § 262.262(b) (4,6-7)], and is a condition of the LQG Permit Exemption, a generator's quick reference guide to the contingency plan must include the following elements: a map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; the locations of water supply (*e.g.,* fire hydrant and its flow rate); and the identification of on-site notification systems (*e.g.,* a fire alarm that rings off site, smoke alarms).

12) Closing Conference

The inspectors conducted the exit meeting at 3:00 p.m. with Christopher Goddard and James Phelps. During this meeting, the inspectors stated their preliminary conclusions of the inspection. Century Aluminum agreed to provide and inventory of containers in the old CAA area by with in two weeks. As of the date of this report, the records had not been received.

13) Inspection Findings

Based on the observations made during the inspection, Century Aluminum was apparently deficient with the following RCRA requirements:

- **Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.**

- **Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.**

- **Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words "Hazardous Waste" and (ii) with an indication of the hazards of the contents.**

- **Pursuant to 401 KAR 39:080 Section 1(1) [40 C.F.R. § 262.17(a)(6)], which incorporates 401 KAR 39:080 Section 1(1) [40 C.F.R. § 262.255], and is a condition of the LQG Permit Exemption, a generator is required to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.**

- **Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.17(a)(6)], which incorporates 401 KAR 39:080 Section 1 [40 C.F.R. § 262.261 (f)], and is a condition of the LQG Permit Exemption, the contingency plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary.**

- **Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.17(a)(6)], which incorporates 401 KAR 39:080 Section 1 [40 C.F.R. § 262.262(b) (4,6-7)], and is a condition of the LQG Permit Exemption, a generator's quick reference guide to the contingency plan must include the following elements: a map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; the locations of water supply (*e.g.,* fire hydrant and its flow rate); and the identification of on-site notification systems (*e.g.,* a fire alarm that rings off site, smoke alarms).**

- **Pursuant to 401 KAR 39:080 Section 4(1) [40 C.F.R. § 279.22(b)(2)], containers and aboveground tanks used to store used oil at generator facilities must not leak (no visible leaks).**

- **Pursuant to 401 KAR 39:080 Section 4(1) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."**

- **Pursuant to 401 KAR 39:080 Section 4(1) [40 C.F.R. § 279.22(d)], upon detection of a release of used oil to the environment, the facility must clean up and manage properly the released used oil and other materials.**

14) List of Appendices

Appendix 1 – Photo Log:
76 Photos taken on: December 1-2, 2021
Photos taken by: Alan Newman, EPA and Curtis Scott, KDEP
Photos taken with: Panasonic DMC TS-20 Digital Camera
EPA Property Tag: S75870
Photos taken by: Curtis Scott, KDEP
Photos taken with iPhone

15) Signed

_____

Alan Newman Date
Environmental Engineer

Concurrence

Araceli B. Chavez Date
Chief
RCRA Enforcement Section

Photographs

Photos taken on December 1-2, 2021
Photos taken by
Alan Newman, EPA
Photos taken with: Panasonic DMC TS-20
Digital Camera
EPA Property Tag: S75870
And Curtis Scott, KDEP
On iPhone

Photo 1: CAA Roll offs.

Photo 4: CAA Roll offs.

Photo 2: CAA Roll offs.

Photo 5: Rodding SAA.

Photo 3: CAA Roll offs.

Photo 6: Laboratory SAAs.

Photo 7: Laboratory SAAs.

Photo 10: Laboratory SAAs.


Photo 8: Laboratory SAAs.

Photo 11: Laboratory SAAs.

Photo 9: Laboratory SAAs.

Photo 12: Laboratory SAAs.

Photo 13: Laboratory SAAs.


Photo 16: Laboratory SAAs.

Photo 14: Laboratory SAAs.

Photo 17: Laboratory SAAs.

Photo 15: Laboratory SAAs.

Photo 18: Laboratory SAAs.

Photo 19: Fire Extinguisher recharged 6/2020.

Photo 20: Fire Extinguisher recharged 11/2018.

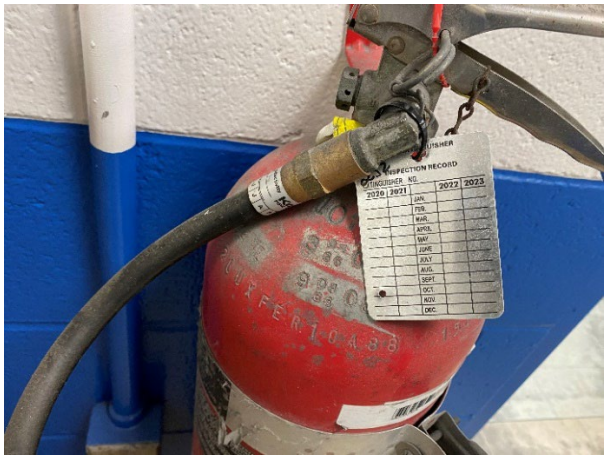

Photo 21: Fire Extinguisher recharged 10/2020.

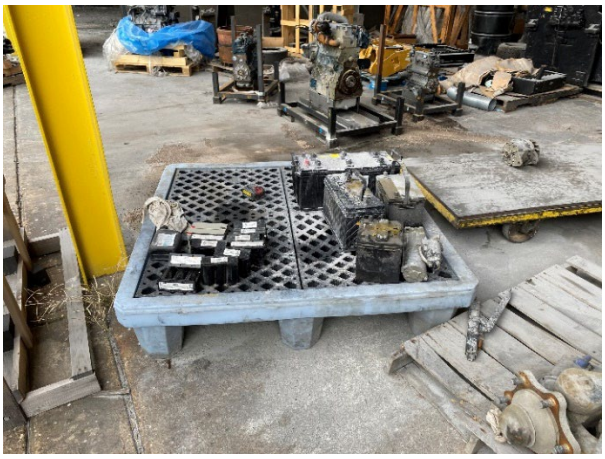
Photo 22: Vehicle Maintenance Building wastes.

Photo 23: Used Oil Tank.

Photo 24: Vehicle Maintenance Building SAA.

Photo 25: Vehicle Maintenance Building SAA.


Photo 26: Used Oil container.


Photo 27: Used Oil containers.


Photo 28: Used Oil container.

Photo 29: Used Oil containers.

Photo 30: Used Oil container.

Photo 33: Stores universal waste storage.

Photo 31: Universal Waste Storage Shed.

Photo 34: Stores universal waste storage.

Photo 32: Universal Waste Storage Shed.

Photo 35: Used Oil Pad.

Photo 36: Used Oil Pad.


Photo 39: Used Oil Pad.

Photo 37: Used Oil Pad.

Photo 40: Used Oil Pad.

Photo 38: Used Oil Pad.


Photo 41: Used Oil Pad.

Photo 42: Used Oil Pad.

Photo 45: Building 138.

Photo 43: Used Oil Pad.

Photo 46: Building 138.

Photo 44: Building 138.

Photo 47: Building 138 SAA.

Photo 48: Building 138 SAA.


Photo 51: Plating Lines SAAs.

Photo 49: Plating Lines SAAs.

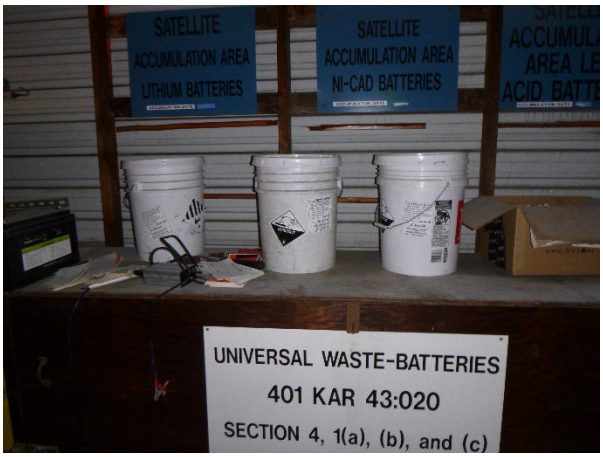

Photo 52: Plating Lines SAAs.


Photo 50: Plating Lines SAAs.

Photo 53: Plating Lines SAAs.

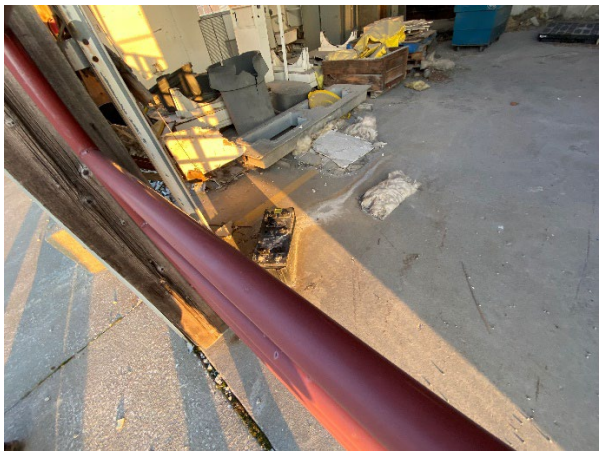

Photo 54: Plating Lines SAAs.

Photo 55: Plating Lines SAAs.

Photo 56: Plating Lines SAAs.

Photo 57: Plating Lines SAAs.

Photo 58: Plating Lines SAAs.

Photo 59: Non-PCB Transformer leaking oil.

Photo 60: Non-PCB Transformer leaking oil.

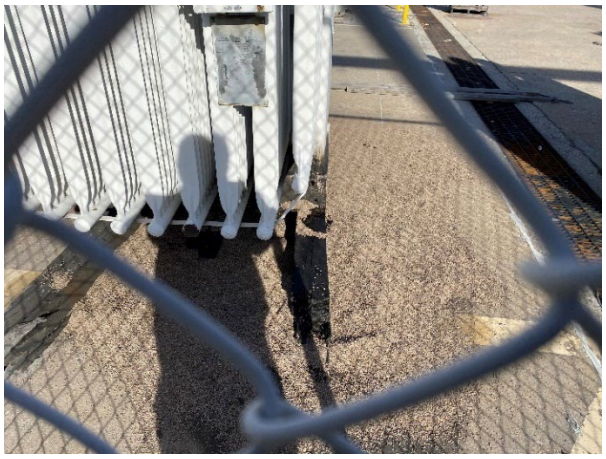
Photo 61: Non-PCB Transformer leaking oil.


Photo 62: Miscellaneous materials in containers.


Photo 63: Miscellaneous materials in containers.


Photo 64: Miscellaneous materials in containers.


Photo 65: Miscellaneous materials in containers.

Photo 66: Miscellaneous materials in containers.

Photo 67: Oil-like spill.

Photo 68: Miscellaneous materials in containers.

Photo 69: Miscellaneous materials in containers.

Photo 70: Miscellaneous materials in containers.

Photo 71: Miscellaneous materials in containers.

Photo 72: Miscellaneous materials in containers.

Photo 73: Miscellaneous materials in containers.

Photo 76: Miscellaneous materials in containers.

Photo 74: Miscellaneous materials in containers.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 0 2 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jon Maybriar
Director, Division of Waste Management
Kentucky Department for Environmental Protection
300 Sower Blvd., 2nd Floor
Frankfort, Kentucky 40601

SUBJ: Notification of EPA Administrative Order under Section 3008(a) of RCRA
Century Aluminum of Kentucky
EPA ID. No. KYD049062375

Dear Mr. Maybriar:

Pursuant to the Memorandum of Agreement between the U.S. Environmental Protection Agency and the Kentucky Department for Environmental Protection, this letter is to provide written notice of the EPA's intent to issue a Complaint and Compliance Order under Section 3008(a)(1) of the Resource Conservation and Recovery Act (RCRA) to Century Aluminum of Kentucky, LLC in Hawesville, Kentucky. This letter serves as the notification required in § 3008(a)(2) of RCRA. The Complaint will address Century Aluminum of Kentucky's noncompliance with the requirements provided in Section 3002 of RCRA, 42 U.S.C. § 6922 and KRS § 224.46-510(1) (2006).

If you should have any questions concerning this matter, please contact me at (404) 562-8590 or have your staff contact Héctor M. Danois, of my staff, at (404) 562-8556.

Sincerely,

Alan A. Annicella

for Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF RECEIPT EMAIL REQUESTED

Mr. Chris Goddard
Environmental Manager- Sebree Plant
Century Aluminum
9404 State Route 2096
Robards, Kentucky 42452
christopher.goddard@centuryaluminum.com

SUBJ: Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Century Aluminum
EPA ID: KYD058692526

Dear Mr. Goddard:

On December 1-2, 2021, the U.S. Environmental Protection Agency, along with the Kentucky Department for Environmental Protection (KDEP) conducted a CEI at Century Aluminum located in Robards, Kentucky to determine the facility's compliance status with RCRA and applicable regulations.

Enclosed is the EPA RCRA inspection report which indicates that deficiencies of RCRA were discovered during the inspection. A copy of this report has been forwarded to the KDEP for follow-up and further review.

If you have any questions regarding this matter, please contact Alan Newman of my staff by phone at (404) 562-8589 or by email at newman.alan@epa.gov .

Sincerely,

Araceli B. Chavez
Chief
RCRA Enforcement Section

Enclosure

cc: Ms. Tammi Hudson; KDEP (Tammi.Hudson@ky.gov)
Ms. Leslie Carr; KDEP (Leslie.Carr@ky.gov)
Mr. Brian Osterman, KDEP (brian.osterman@ky.gov)
Mr. Curtis Scott; KDEP (curtisc.scott@ky.gov)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 29 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jamie Coomes
Century Aluminum Sebree LLC
9404 State Route 2096
Robards, Kentucky 42452-9735

SUBJ: Consent Agreement and Final Order
Century Aluminum Sebree, EPA ID No.: KYD 058 692 526
Docket No. RCRA-04-2015-4014(b)

Dear Mr. Coomes:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk (RHC) in the above-referenced matter. The CA/FO is effective on the date it is filed with the RHC and the penalty due date and the sampling work plan due date are calculated from that date.

If you have any questions, please feel free to contact Alan Newman, of my staff, at (404) 562-8589 or by email at newman.alan@epa.gov. Thank you for your cooperation in this matter.

Sincerely,

for

César A. Zapata
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2015-4014(b)
	)	
Century Aluminum Sebree LLC	)	
9404 State Route 2096	)	Proceeding Under Section 3008(a) of the
Robards, Kentucky 42452-9735	)	Resource Conservation and Recovery Act,
EPA ID No.: KYD 058 692 526	)	42 U.S.C. § 6928(a)
	)	
Respondent	)	
	)	

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of Title XVIII of Kentucky Revised Statutes (KRS) Chapters 224.46 *et seq.* (2006) [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and Title 401 Kentucky Administrative Regulations (KAR) promulgated pursuant thereto and set forth at 401 KAR Chapters 30-38 (2006) [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks injunctive relief and the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of KRS subchapters 224.46 *et seq.* (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] and 401 KAR Chapters 30-38, 43, and 44 (2006) [40 C.F.R. Parts 260 through 270, 273, and 279].

2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.

5. Respondent is Century Aluminum Sebree LLC, a corporation incorporated under the laws of Delaware. Respondent is the owner and operator of a primary aluminum manufacturer located at 9409 State Route 2096 in Robards, Henderson County, Kentucky (the Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Commonwealth of Kentucky (Kentucky or State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found at KRS §§ 224.46-012 *et seq.* (2006), and 401 KAR 30:005, *et seq.* (2006).

7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state or commonwealth is granted final authorization with respect to those requirements. Kentucky has received final authorization for certain portions of HSWA, including those recited herein.

8. Although the EPA has granted Kentucky authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and Kentucky.

9. As Kentucky's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized Kentucky program; however, for ease of reference, the federal citations will follow in brackets.

10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to Kentucky before issuance of this CA/FO.

11. KRS § 224.46-510(1) (2006) [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at 401 KAR Chapter 32 (2006) [40 C.F.R. Part 262].

12. KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at 401 KAR Chapter 34 (2006) (permitted) [40 C.F.R. Part 264] and 401 KAR Chapter 35 (2006) (interim status) [40 C.F.R. Part 265].

13. Pursuant to 401 KAR 31:005 Section 1(311) (2006) [40 C.F.R. § 261.2], *"solid waste"* means any garbage, refuse, sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining wastes, coal mining by-products, refuse, and overburden), agricultural operations, and from community activities, and is not otherwise excluded by regulation. (*See* KRS § 224.01-010(31)(a)) (2006).

14. Pursuant to 401 KAR 31:005 Section 1(12) (2006) [40 C.F.R. § 261.3],"hazardous waste" means any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. (*See* KRS § 224.01-010(31)(b)) (2006).

15. Pursuant to 401 KAR 31:010 Section 3 and 401 KAR 31:030 Section 1 (2006) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in 401 KAR 31:030 Sections 2-5 (2006) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D0043.

16. Pursuant to 401 KAR 31:030 Sections 1 and 2 (2006) [40 C.F.R. §§ 261.20 and 261.21], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.

17. Pursuant to 401 KAR 31:030 Sections 1 and 5 (2006) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to 401 KAR 31:030 Section 5 (2006) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for mercury is identified with the EPA Hazardous Waste Number D009.

18. Pursuant to 401 KAR 31:030 Sections 1 and 5 (2006) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to 401 KAR 31:030 Section 5 (2006) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for Benzene is identified with the EPA Hazardous Waste Number D018.

19. Pursuant to 401 KAR 31:010 Section 3 and 401 KAR 31:040 Section 1(2006) [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed "hazardous waste" if it is listed 401 KAR 31:040 and has not been excluded from the list under 401 KAR 31:060 and 401 KAR 31:070 (2006) [40 C.F.R. Part 261, Subpart D].

20. Spent pot liners from primary aluminum reduction, is a listed hazardous waste in 401 KAR 31:040 (2006) [40 C.F.R. Part 261, Subpart D] at 401 KAR 31:040 Section 3 (2006) [40 C.F.R. § 261.32] and is identified with the EPA Hazardous Waste Number K088.

21. Pursuant to 401 KAR 31:005 Section 1(111) (2006), "generator" means any person, by site, whose act or process produces waste. (See KRS § 224.01-010(13)).

22. Pursuant to 401 KAR 31:005 Section 1(93)(a) (2006) [40 C.F.R. § 260.10], a "facility" includes "all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them)."

23. Pursuant to 401 KAR 31:005 Section 1(203) (2006), "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the Commonwealth of Kentucky, or any interstate body. (See KRS § 224.01-010(17)).

24. Pursuant to 401 KAR 31:005 Section 1(194 and 192) (2006), an "owner" is "any person who owns an on-site or off-site waste facility, or any part of a facility" and an "operator" is "any person responsible for overall operation of an on-site or off-site waste facility, including any private contractor conducting operational activities at a federal facility."

25. Pursuant to 401 KAR 31:005 Section 1(264) (2006), "storage" means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes. (KRS 224.01-010(28)).

26. Pursuant to 401 KAR 31:005 Section 1(66) (2006), a "disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (KRS 224.01-010(10)).

27. Pursuant to 401 KAR 32:030 Section 5(1) (2006) [40 C.F.R. § 262.34(a)], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a Large Quantity Generator (LQG) and may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status, as required by KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the management requirements listed in 401 KAR 32:030 Section 5(1) (2006) [40 C.F.R. § 262.34(a)(1)-(4)] (hereinafter referred to as the "*LQG Permit Exemption*").

28. Pursuant to 401 KAR 32:030 Section 5(1)(a) (2006) [40 C.F.R. § 262.34(a)(1)], which is a condition of the LQG permit exemption, waste is placed either in containers, in tanks, on drip pads, or in containment buildings.

29. Pursuant to 401 KAR 32:030 Section 5(1)(a)1 (2006) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates 401 KAR 35:180 Section 2 (2006) [40 C.F.R. § 265.171] and is a condition of the LQG permit exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this chapter.

30. Pursuant to 401 KAR 32:030 Section 5(1)(a)1 (2006) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates 401 KAR 35:180 Section 4 (2006) [(40 C.F.R. § 265.173(a)] and is a condition of the LQG Permit Exemption, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

31. Pursuant to 401 KAR 32:030 Section 5(1)(b) (2006) [40 C.F.R. § 262.34(a)(2)], which is a condition of the LQG Permit Exemption, the date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container.

32. Pursuant to 401 KAR 32:030 Section 5(1)(d) (2006) [40 C.F.R. § 262.34(a)(4)], which incorporates 401 KAR 35:020 Section 7(3) [40 C.F.R. § 265.16(c)] and is a condition of the LQG Permit Exemption, facility personnel shall take part in an annual review of the initial training required in subsection (1) of this section.

33. Pursuant to 401 KAR 32:030 Section 5(1)(d) (2006) [40 C.F.R. § 262.34(a)(4)], which incorporates 401 KAR 35:030 Section 2 (2006) [40 C.F.R. § 265.31] and is a condition of the LQG Permit Exemption, facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

34. Pursuant to 401 KAR 32:030 Section 5(1)(d) (2006) [40 C.F.R. § 262.34(a)(4)], which incorporates 401 KAR 35:030 Section 6 (2006) [40 C.F.R. § 265.35] and is a condition of the LQG Permit Exemption, a generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency, unless aisle space is not needed for any of these purposes.

35. Pursuant to 401 KAR 32:030 Section 5(1)(d) (2006) [40 C.F.R. § 262.34(a)(4)], which incorporates 401 KAR 35:040 Section 2(2) (2006) [40 C.F.R. § 265.51(b)] and is a condition of the LQG Permit Exemption, the provisions of the contingency plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

36. Pursuant to 401 KAR 32:030 Section 5(1)(d) (2006) [40 C.F.R. § 262.34(a)(4)], which incorporates 401 KAR 35:040 Section 3(4) (2006) [40 C.F.R. § 265.52(d)] and is a condition of the LQG Permit Exemption, the contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 6of this administrative regulation), and this list must be kept up to date. Where more than one (1) person is listed, one (1) person must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

37. Pursuant to 401 KAR 32:030 Section 5(1)(d) (2006) [40 C.F.R. § 262.34(a)(4)], which incorporates 401 KAR 35:040 Section 5(4) (2006) [40 C.F.R. § 265.54(d)] and is a condition of the LQG Permit Exemption, the contingency plan must be reviewed, and immediately amended, if necessary, whenever the list of emergency coordinators changes.

38. Pursuant to 401 KAR 32:030 Section 5(3) (2006) [40 C.F.R. § 262.34(c)(1)], a generator may accumulate as much as fifty-five (55) gallons of hazardous waste in containers at or near the point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or without having interim status and without complying with subsection (1) of this section [40 C.F.R. § 262.34(a)], provided that the upon commencement of accumulation, he: 1. complies with section 2, 3, and 4(1) of 401 KAR 35:180; and 2. marks his container with the words "Hazardous Waste" [40 C.F.R. § 262.34(c)(1)(i)-(ii)] (hereinafter referred to as the "*SAA Permit Exemption*").

39. Pursuant to 401 KAR 32:030 Section 5(3) (2006) [40 C.F.R. § 262.34(c)(1)(i)], which incorporates 401 KAR 35:180 Section 4(1) (2006) [40 C.F.R. § 265.173(a)] and is a condition of the SAA Permit Exemption, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

40. Pursuant to 401 KAR 32:040 Section 3(2) (2006) [40 C.F.R. § 262.42(a)(2)], a generator shall submit an Exception Report to KYDEP if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within forty-five (45) days of the date the waste was accepted by the initial transporter.

41. Pursuant to KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] and 401 KAR 38:010 Section 1(1) (2006) [40 C.F.R. § 270.1(c)], RCRA requires an owner and/or an operator to obtain a permit for the treatment, storage, and disposal of any hazardous waste identified or listed in 401 KAR Chapter 31 (2006) [40 C.F.R. Part 261].

42. Pursuant to 401 KAR 43:005 Section 1(254) [40 C.F.R. § 273.10], a "Small Quantity Handler of Universal Waste." (SQHUW) is a universal waste handler who does not accumulate more than 5,000 kilograms of universal waste (batteries, lamps, pesticides, or thermostats, calculated collectively) at any time.

43. Pursuant to 401 KAR 43:005 Section (1)(154) (2006), "lamp" means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet (UV), visible, and infrared (IR) regions of the electromagnetic spectrum. Examples of common amps include, but is not limited to, incandescent, fluorescent, high pressure sodium, mercury vapor, metal halide, high intensity discharge, and neon lamps.

44. Pursuant to 401 KAR 43:020 Section 4 (2006) [40 C.F.R. § 273.9], a SQHUW shall manage universal waste lamps in a way that prevent release of any universal waste or component of a universal waste to the environment.

45. Pursuant to 401 KAR 43:020 Section 7 (2006) [40 C.F.R. § 273.16], a SQHUW shall describe to all employees who handle or have responsibility for managing universal waste the proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

46. Pursuant to 401 KAR 31:005 Section 1(302) (2006), "used oil" means a petroleum based or synthetic oil such as an engine lubricant, engine oil, motor oil, or lubricating oil for use in an internal combustion engine, or a lubricant for motor transmissions, gears, or axles which through use, storage or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties. (See KRS § 224.50-545(2)(a)).

47. Pursuant to 401 KAR 44:020 Section 3(3)(a) (2006) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil."

48. Pursuant to 401 KAR 32:040 Section 2(1) (2006), a generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States shall prepare and submit a "Hazardous Waste Annual Report," DEP Form 7072-91 incorporated by reference in Section 5 of this administrative regulation. The "Hazardous Waste Annual Report" shall be submitted to KYDEP no later than March 1 to report information for the preceding calendar year.

49. Pursuant to 401 KAR 32:040 Section 2(3) (2006), generators shall provide a duplicate copy of the Hazardous Waste Annual Report to the county judge/executive of the county or chief executive officer of an urban county government within which the waste site or facility which will receive waste from the generator is located and to the county judge/executive of the county or chief executive officer of an urban-county government within which the generator is located, in order that the county judge/executive or chief executive officer may make the report available to the county law enforcement and emergency services for emergency planning purposes.

IV. EPA ALLEGATIONS AND DETERMINATIONS

50. Respondent is a "person" as defined in 401 KAR 31:005 Section 1(203) (2006) (*See* KRS 224.01-010(17)) (2006).

51. Respondent is the "owner/operator" of a "facility" located at 9404 State Route 2096, in Robards, Henderson County, Kentucky, as those terms are defined in 401 KAR 30:005 Section 1 (2006).

52. Respondent is a "generator" of "hazardous waste" as those terms are defined in 401 KAR 31:005 Section 1(111) (2006) (See KRS 224.01-010(13)) (2006) [40 C.F.R. § 260.10] and 401 KAR 31:005 Section 1(311) (2006) *(See* KRS § 224.01-010(31)(b)) (2006). [40 C.F.R. § 261.3].

53. Respondent operates a primary aluminum smelter.

54. Respondent is a "generator" of both "solid wastes" and "hazardous wastes," as defined above, due to its on-site activities associated with the primary aluminum smelting.

55. On May 16, 2014, and again on May 13, 2015, Respondent notified the Kentucky Department for Environmental Protection (KYDEP) of the Facility's status as a Large Quantity Generator (LQG) of hazardous waste because Respondent generates 1,000 kilograms or more of hazardous waste or greater than one kilogram of acute hazardous waste per calendar month at the Facility.

56. Respondent is generator of used oil and a small quantity generator of universal waste.

57. On July 23-24, 2014, representatives of the EPA and the KYDEP performed a RCRA Compliance Evaluation Inspection (CEI) of the Facility. The findings of the CEI were documented in a Report mailed to Respondent, dated February 18, 2015 (RCRA Inspection Report).

58. During the July 23-24, 2014, RCRA CEI, the inspection team comprised of KYDEP and EPA personnel reviewed 2013 inspection records for the 90-day or less hazardous waste container storage area. Some of the observations noted from these records stated that containers were in poor condition. These observations were repeated in subsequent weeks for the identical containers. Respondent failed to transfer the hazardous waste from these containers into ones in good condition.

59. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 401 KAR 32:030 Section 5(1)(a)1 (2006) [40 C.F.R. § 262.34(a)(1)(i)] by not complying with the container management requirements of 401 KAR 35:180 Section 2 (2006) [40 C.F.R. § 265.171].

60. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA inspectors observed that Respondent was storing K088 hazardous waste in a 90-day or less container underneath the bag house in Building 138W with an open lid.

61. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 401 KAR 32:030 Section 5(1)(a)1 (2006) [40 C.F.R. § 262.34(a)(1)(i)], by not complying with the container management requirements of 401 KAR 35:180 Section 4 (2006) [40 C.F.R. § 265.173(a)].

62. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA observed that Respondent was storing K088 hazardous waste in a container, located in building 138W, without marking it with the date upon which the period of accumulation began.

63. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption by not complying with the dating requirements of 401 KAR 32:030 Section 5(1)(b) (2006) [40 C.F.R. § 262.34(a)(2)].

64. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA reviewed training records. The inspection team noted that one employee had not received his updated RCRA training for at least 18 months.

65. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 401 KAR 32:030 Section 5(1) (2006) [40 C.F.R. § 262.34(a)(4)], by not complying with the personnel training requirements of 401 KAR 35:020 Section 7(3) (2006) [40 C.F.R. § 265.16(c)].

66. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA observed K088 hazardous waste on the floor and on flexes in building 138W. It appeared that this waste had been stored in building 138W on the floor for some time and on the flexes for at least four months. KYDEP and EPA also observed K088 hazardous waste outside of building 138W, on the gravel parking lot near the containers at the 90-day or less hazardous waste container storage area for intermodal boxes. Respondent failed to minimize a release of hazardous waste in these areas.

67. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 401 KAR 32:030 Section 5(1)(d) (2006) [40 C.F.R. § 262.34(a)(4)], by not complying with the maintenance and operation requirements of 401 KAR 35:030 Section 2 (2006) [40 C.F.R. § 265.31].

68. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA observed hopper containers of K088 hazardous waste, at the 90-day or less hazardous waste container storage area of Building 138W, that were stored with inadequate aisle space.

69. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 401 KAR 32:030 Section 5(1)(d) (2006) [40 C.F.R. § 262.34(a)(4)], by not complying with the aisle space requirements of 401 KAR 35:030 Section 6 (2006) [40 C.F.R. § 265.35].

70. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA noted that Respondent did not immediately carry out provisions of its Contingency Plan when hazardous waste was observed on the floor of Building 138W, on the flexes in building 138W, and on the ground at the 90-day or less hazardous waste intermodal container storage area.

71. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 401 KAR 32:030 Section 5(1)(d) (2006) [40 C.F.R. § 262.34(a)(4)], by not complying with the contingency plan requirements of 401 KAR 35:040 Section 2(2) (2006) [40 C.F.R. § 265.51(b)].

72. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA noted that Respondent's Contingency Plan did not include the current emergency coordinator, including his home address and phone number.

73. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 401 KAR 32:030 Section 5(1)(d) (2006) [40 C.F.R. § 262.34(a)(4)], by not complying with the contingency plan requirements of 401 KAR 35:040 Section 3(4) (2006) [40 C.F.R. § 265.52(d)].

74. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA noted that Respondent's Contingency Plan was not immediately amended when the list of emergency coordinators changed.

75. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 401 KAR 32:030 Section 5(1)(d) (2006) [40 C.F.R. § 262.34(a)(4)], by not complying with the contingency plan requirements of 401 KAR 35:040 Section 5(4) (2006) [40 C.F.R. § 265.54(d)].

76. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA observed hazardous waste being stored in four (4) separate open satellite accumulation containers at Building 138W (K088), the universal waste storage building (D009), Maintenance (D001/D018/K088), and the Rodding building (D001).

77. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SAA Permit Exemption set forth in 401 KAR 32:030 Section 5(3) (2006) [40 C.F.R. § 262.34(c)(1)(i)], by not complying with the container management requirements of 401 KAR 35:180 Section 4(1) (2006) [40 C.F.R. § 265.173(a)].

78. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA noted that Respondent failed to file an exception report for hazardous waste manifest 006185379 dated November 13, 2012.

79. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 401 KAR 32:040 Section 3(2)(2006) [40 C.F.R. § 262.42(a)(2)].

80. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA observed three open boxes of universal waste lamps. Two additional boxes were not structurally sound due to the weight on the boxes and the integrity of the boxes.

81. The EPA therefore alleges that Respondent violated 401 KAR 43:020 Section 4 (2006), by failing to store universal waste lamps in containers or packages that are closed and structurally sound.

82. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA noted that workers were not properly trained in the requirements of universal waste storage.

83. The EPA therefore alleges that Respondent violated 401 KAR 43:020 Section 7 (2006) [40 C.F.R. § 273.16] for failing to properly train workers in universal waste management.

84. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA observed that used oil transfer containers were not properly labeled.

85. The EPA therefore alleges that Respondent violated 401 KAR 44:020 Section 3(3)(a) (2006) [40 C.F.R. § 279.22(c)(1)], by storing used oil in containers that were not labeled or marked clearly with the words "Used Oil."

86. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA noted that Respondent submitted the hazardous waste annual report with incorrect numbers omitting 15,572 pounds of hazardous waste.

87. The EPA therefore alleges that Respondent violated 401 KAR 32:040 Section 2(1) (2006) by not submitting an accurate "Hazardous Waste Annual Report."

88. During the July 23-24, 2014, RCRA CEI, KYDEP and EPA noted that Respondent failed to provide a duplicate copy of the Hazardous Waste Annual Report to the county judge/executive of the county of an urban county government within which the waste site or facility which will receive waste from the generator is located and to the county judge/executive of the county of an urban-county government within which the generator is located, in order that the county judge/executive or chief executive officer may make the report available to the county law enforcement and emergency services for emergency planning purposes.

89. The EPA therefore alleges that Respondent violated 401 KAR 32:040 Section 2(3) (2006) by not providing a duplicate copy of the Hazardous Waste Annual Report to the county judge/executive of the county of an urban county government within which the waste site or facility which will receive waste from the generator is located and to the county judge/executive of the county of an urban-county government within which the generator is located, in order that the county judge/executive or chief executive officer may make the report available to the county law enforcement and emergency services for emergency planning purposes.

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements, Allegations and Determinations, the parties agree to the following:

90. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

91. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.

92. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.

93. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq*.

94. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.

95. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

96. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.

97. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.

98. Each party will pay its own costs and attorneys' fees.

VI. WORK TO BE PERFORMED

99. Respondent consents to submit a written proposal and to perform the following work in the manner herein, for carrying out assessment, testing analysis, and reporting to ascertain the nature and extent of the hazards posed by the hazardous waste and or hazardous constituents that are present at, or that may have been released from Respondent's Facility. Such written proposal shall be specific and shall include, but is not limited to performing the following:

100. Sampling and Analysis Work Plan: Within forty-five (45) calendar days of the effective date of this CA/FO, Respondent consents to submit a Sampling and Analysis Work Plan (S&A Work Plan) to determine the nature and extent, horizontally and vertically, of soil contamination. The S&A Work Plan shall be designed to determine the presence, magnitude, extent, hazard or risk, direction, and rate of movement of any hazardous waste and hazardous constituent within the Facility boundaries. The S&A Work Plan shall document the procedures Respondent shall use to conduct those activities necessary to: characterize the source for contamination; characterize the potential pathways of contaminant migration, and define the degree of extent of contamination.

a. The S&A Work Plan shall include, at a minimum, the following areas:

   i. The 90-day or less intermodal container storage area in the gravel parking lot on the west side of the facility;

   ii. Areas outside of Building 138W; and,

   iii. Any other area onsite at which waste has been or may have been disposed of or placed on to the land at the Facility.

b. For each of the areas identified above, the S&A Work Plan shall include the following information:

   i. A map outlining the Facility property and the location of the areas;

   ii. A discussion of past waste management practices at the area; and,

iii. All available information pertaining to the areas' operation, construction and wastes managed, as well as to the nature of any release (e.g., media affected, hazardous constituents release magnitude of release, unit diagram or engineering drawings, photographs, of the area and ancillary equipment, etc.).

101. All work plans submitted to the EPA pursuant to this CA/FO shall include a detailed schedule for all work to be performed. A Final Sampling and Analysis Reports shall be submitted and shall summarize all actions taken to comply with this CA/FO.

102. All work conducted in accordance with this CA/FO will reference and comply with EPA-approved procedures and protocols for all sampling and analyses. All monitoring results and data shall be submitted to the EPA in accordance with the format specified in the EPA Region 4 "Data Management and Electronic Data Deliverables" Memorandum (Apr. 23, 2010), attached as Exhibit 1. All analytical detection limits for constituents identified in the work plans referenced above must be below the appropriate human health and/or ecological risk-based limit. At the EPA's discretion, implementation of all field work specified in the work plans shall be overseen by EPA personnel.

103. If the EPA concludes that a release of hazardous waste or hazardous constituents has occurred, Respondent may be required to submit a permit application to KYDEP.

VII. QUALITY ASSURANCE/QUALITY CONTROL

104. All sampling undertaken pursuant to this CA/FO shall be performed in accordance with the EPA-approved terms and schedules, and in a manner consistent with the EPA's "Field Branches Quality System and Technical Procedures," which is available at: http://www.epa.gov/region4/sesd/fbqstp/index.html.

105. Respondent shall follow the EPA guidance for sampling and analysis. Respondent shall develop a Quality Assurance Project Plan (QAPP) for all sampling and analysis conducted under this CA/FO. Work plans shall contain quality assurance/quality control (QA/QC) and chain of custody procedures for all sampling, monitoring and analytical activities. Any deviations from the QA/QC and chain of custody procedures in approved work plans must be approved by the EPA prior to implementation; must be documented, including reasons for the deviations; and must be reported in the applicable report.

106. All work plans required under this CA/FO shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained and that data are sufficient to support their intended use(s).

VIII. PAYMENT OF CIVIL PENALTY

107. Respondent consents to the payment of a civil penalty in the amount of SIXTY-NINE THOUSAND DOLLARS ($69,000.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.

108. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1818

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency

CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Contact: John Schmid, (202) 874-7026
REX (Remittance Express): 1-866-234-5681

109. Respondent shall submit a copy of the payment to the following individuals:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

And to:

Larry Lamberth, Chief
Hazardous Waste Compliance and Enforcement Section
Enforcement and Compliance Branch
RCR Division, US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

110. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement or, if paying in installments, not paid in accordance with the installment schedule provided above. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).

b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars ($15.00) on any late payment, with an additional charge of fifteen dollars ($15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.

c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-

payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

111. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

IX. PARTIES BOUND

112. This CA/FO shall be binding on Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.

113. No change in ownership, partnership, corporate or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.

114. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

X. RESERVATION OF RIGHTS

115. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health or the environment.

116. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.

117. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

XI. OTHER APPLICABLE LAWS

118. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

XII. SERVICE OF DOCUMENTS

119. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in this proceeding:

Joan Redleaf Durbin
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9644

120. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents Respondent in this matter and who is authorized to receive service for Respondent in this proceeding:

Levi Chaffin
Plant Manager
Century Aluminum Sebree LLC
9404 State Route 2096
Robards, Kentucky 42452-9735

XIII. SEVERABILITY

121. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.

XIV. EFFECTIVE DATE

122. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

In the matter of Century Aluminum Sebree LLC, Docket No. **RCRA-04-2015-4014(b):**

AGREED AND CONSENTED TO:

Century Aluminum Sebree LLC

By: _____ Dated: 09/23/15
Levi Chaffin
Plant Manager

United States Environmental Protection Agency

By: _____ for Dated: 09/25/15
César A. Zapata
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2015-4014(b)
	)	
Century Aluminum Sebree LLC	)	
9404 State Route 2096	)	Proceeding Under Section 3008(a) of the
Robards, Kentucky 42452-9735	)	Resource Conservation and Recovery Act,
EPA ID No.: KYD 058 692 526	)	42 U.S.C. § 6928(a)
	)	
Respondent	)	
	)	

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 28th day of September, 2015.

BY: Tanya Floyd

Tanya Floyd
Regional Judicial Officer
EPA Region 4

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of Century Aluminum Sebree LLC, Docket Number: RCRA-04-2015-4014(b), and have served the parties listed below in the manner indicated:

Joan Redleaf Durbin
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Quantindra Smith
Enforcement and Compliance Branch
RCRD Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Levi Chaffin
Plant Manager
Century Aluminum Sebree LLC
9404 State Route 2096
Robards, Kentucky 42452-9735

(Via Certified Mail - Return Receipt Requested)

Date: 9-29-15

Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511

Exhibit 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 2 3 2010

MEMORANDUM

SUBJECT: Region 4 Data Management and Electronic Data Deliverables (EDDs)

FROM: Franklin E. Hill
Superfund Division Director

TO: Superfund Division

Introduction

As information technology advancements continue, the ability to receive, store, and use electronic data from a variety of sources becomes a critical aspect of EPA's work. EPA has the need to receive and use environmental data in an electronic format. In an effort to streamline the electronic submittal of various environmental sampling data, EPA Region 4 has adopted a standardized electronic data deliverable (EDD) format. Using a Regional EDD format allows for efficient and cost-effective exchange of site data with contractors, and Federal and State agencies.

The EPA Region 4 standard format for EDDs include quality controls to minimize potential data errors so that the data can be appropriately analyzed and utilized for decision making. The data is electronically archived for ready access as needed. As different contractors, consultants, and agencies are involved in various stages of a Superfund project, there are significant cost savings in having the site-related data readily available. The uniform EDD approach does more than cut site management costs. It provides better and more reliable stewardship of Superfund data, and when integrated with other information such as GIS, it helps ensure transparent decision making.

Data Management and Electronic Data Deliverables

When conducting Superfund work in Region 4, the party submitting data will provide an electronic submittal of data in accordance with Region 4 policies, guidelines, and formats. The Region 4 EDD is a standardized format required by the Field Branches Quality System and Technical Procedures, Environmental Data Submission Guidance, SESD-106-R0 (or most recent version). The Field Branches Quality System and Technical Procedures supersede the *"Environmental Investigations Standard Operating Procedures and Quality Assurance Manual" (EISOPQAM), November 2001*, and the *"Ecological Assessment Standard Operating Procedures and Quality Assurance Manual" (EASOPQAM), January 2002*. The methods described in this document are to be used by all data providers when preparing and submitting environmental data electronically to Region 4, regardless of the originating program.

All required information, instructions and guidance are available via the EPA web site www.epa.gov/region4/waste/sf/edd/edd.html free of charge. This web site contains links to obtain the required software, as well as the most recent versions of the Environmental Data Submission Guidance, the Region 4 EDD Reference Guide, and the Region 4 EDP Reference Manual.

Should you have questions regarding electronic data submission or wish to obtain paper copies of the guidance documents, please contact Beth Walden, Remedial Project Manager, at (404) 562-8814, or you may email walden.beth@epa.gov. You may also contact the DART Coordinator at (404) 562-8558, or you may email R4dartcoordinator@epa.gov.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 19 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Anthony Hatton, Director
Division of Waste Management
Kentucky Department for Environmental Protection
200 Fair Oaks Lane, 2nd Floor
Frankfort, Kentucky 40601

Re: Century Aluminum Company, LLC (KYD 058 692 526)
Notice of Agency Intent to Pursue Formal Enforcement
Action Pursuant to RCRA Section 3008(a)

Dear Mr. Hatton:

On July 23-24, 2014, a U.S. Environmental Protection Agency- lead Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (CEI) was conducted by the EPA at the Century Aluminum Company facility in Robards, Kentucky, to determine the facility's compliance status with RCRA. Pursuant to RCRA Section 3008(a)(2), 42 U.S.C. § 6928(a)(2),this letter shall serve as a notice to the Kentucky Department for Environmental Protection (KDEP) that EPA Region 4 is pursuing formal enforcement action against the Century Aluminum Company

With this enforcement action, the EPA is seeking the imposition of civil penalties and injunctive relief pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of Title XVIII of Kentucky Revised Statutes (Ky. Rev. Stat. Ann., or KRS) Chapter 224.46 *et seq.*, and Title 401 Kentucky Administrative Regulations (Ky. Admin. Reg. or KAR) promulgated pursuant thereto and set forth at 401 Ky. Admin. Reg. Chapters 30-38, 43, and 44 (Subtitle C of RCRA, 42 U.S.C. §§ 6921 - 6939e, and the regulations promulgated pursuant thereto at 40 C.F.R. Parts 260 through 270, 273 and 279).

If you have any questions regarding the inspection or the EPA's enforcement action, please contact Alan Newman, of my staff, by phone at (404) 562-8589, or by email at newman.alan@epa.gov.

Sincerely,

César A. Zapata
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JAN 22 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Abigail Duncan
Environmental Engineer
Century Aluminum of Kentucky, LLC
1627 State Route 2715
Hawesville, Kentucky 42348

SUBJ: RCRA Compliance Evaluation Inspection
Century Aluminum of Kentucky, LLC
EPA Id. No: KYD049062375

Dear Ms. Duncan:

On August 9, 2017, a compliance evaluation inspection (CEI) was conducted by the U.S. Environmental Protection Agency and the Kentucky Department for Environmental Protection (KYDEP) at Century Aluminum of Kentucky, LLC (Century) in Hawesville, Kentucky, to determine the facility's compliance status with the Resource Conservation and Recovery Act (RCRA). This RCRA CEI was an EPA lead inspection.

The EPA has determined that Century may not be in compliance with several requirements of Title XVIII of Kentucky Revised Statutes (Ky. Rev. Stat. Ann., or KRS) Chapter 224.46 et. seq. (Subtitle C of RCRA, 42 U.S.C. §§ 6921 to 6939f) and the regulations promulgated pursuant thereto, found within Title 401 Kentucky Administrative Regulations (Ky. Admin. Reg. or KAR) and set forth at 401 Ky. Admin. Reg. Chapters 30-40 (Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 260-279)) based on potential deficiencies observed during the CEI. The observations made during the inspection are summarized in the attached RCRA CEI Report.

Please provide a detailed written response **within fourteen (14) days** following receipt of this letter describing any actions that Century has taken and/or intends to take related to the observations documented in the RCRA CEI Report. Your response should be mailed to:

Héctor M. Danois
Hazardous Waste Enforcement Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

Century is also being offered the opportunity to meet with the EPA at its regional office located at the Sam Nunn Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia, 30303, or by teleconference, to show cause why the EPA should not take formal enforcement action against Century pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). Century may elect to be represented by legal counsel at this meeting and should be prepared to present relevant information and documentation pertaining to the EPA's observed deficiencies.

The EPA may determine that a formal enforcement action is appropriate and may assess civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). Therefore, Century has the opportunity to present factors and documentation that could mitigate any penalties that may be assessed against Century, including information on Century 's ability to pay a penalty. Prior to the meeting, Century may review the RCRA Civil Penalty Policy via the following website:

http://www2.epa.gov/sites/production/files/documents/rcpp2003-fnl.pdf
and the revised penalty matrices found at:_
http://www2.epa.gov/sites/production/files/documents/revisionpenaltypolicy04910.pdf.

Please be advised that any information provided by Century at the meeting may be used by the EPA in any civil or criminal proceedings related to this or other matters. Any false, fictitious, or fraudulent material omissions, statements, or representations may subject Century to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If Century chooses to accept this offer to meet with the EPA, please contact Héctor M. Danois, within fourteen (14) days following receipt of this letter to schedule a meeting or conference call. Mr. Danois can be reached at (404) 562-8556, or by email at danois.hector@epa.gov. If Century decides not to accept this offer to meet to discuss the observed deficiencies, the EPA may proceed with enforcement action against Century as authorized under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), including the assessment of appropriate civil penalties and injunctive relief.

Please feel free to contact Mr. Danois if you have any technical questions regarding the observations and findings from the inspection performed at Century.

Sincerely,

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure

cc: John Maybriar, KYDEP
Brian Osterman, KYDEP
Curtis Scott, KYDEP – Madisonville Field Office

RCRA Inspection Report

1) Inspector and Author of Report

Héctor Danois, Environmental Engineer
Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Phone: 404-562-8556

2) Facility Information

Century Aluminum of Kentucky, LLC
1627 State Route 2715
Hawesville, Kentucky 42348
EPA Id. No: KYD049062375

NAICS: 33131-Alumina and Aluminum Production and Processing

3) Responsible Officials

Abigail Duncan, Environmental Engineer
Century Aluminum of Kentucky, LLC
1627 State Route 2715
Hawesville, Kentucky 42348

4) Inspection Participants

Abigail Duncan, Century Aluminum
John Beaver, Century Aluminum
Curtis Scott, KYDEP
Héctor Danois, EPA

5) Date and Time of Inspection

August 9, 2017 at 9:30 a.m.

6) Applicable Regulations

Subtitle C of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6921 – 6939f), 40 Code of Federal Regulation (C.F.R.), Parts 260 - 270, 273 & 279, and Title 41 K.A.R. Chapters 30 - 38.

7) Purpose of Inspection

This unannounced compliance evaluation inspection (CEI) was conducted to evaluate Century Aluminum of Kentucky, LLC's compliance with applicable requirements of RCRA and corresponding Kentucky Department for Environmental Protection (KDEP) regulations.

8) Previous Inspections

Century Aluminum of Kentucky, LLC has been previously inspected by KYDEP. Table 1 below briefly summarizes the facility's previous compliance history.

Table 1

Inspection	Deficiencies Observed	Resulting Action
April 6, 2016 KYDEP	3 violations	Written Informal Action

9) Facility Description

Century Aluminum of Kentucky, LLC (Century) is a primary aluminum smelter. Aluminum is produced by dissolving alumina (aluminum oxide) in a bath of cryolite (sodium aluminum fluoride), sodium fluoride and lithium carbonate in a reduction cell while passing a strong electric current through the solution (electrolytic reduction). Aluminum precipitates out of the solution and settles on the bottom of the cell or pot. The reduction cell is tapped to remove the precipitated aluminum. The molten aluminum is transported off-site for use in molten form or transported to the casting operation to be poured into molds.

Century began operations at this location in 1969 and employs approximately 250 workers. Workers are on four 12-hour rotating shifts. Century operates 24 hours a day, seven days a week, 365 days a year. Century is registered as a large quantity generator of hazardous waste.

10) Findings

Entrance and Opening Conference

On August 8, 2017, inspectors arrived at Century at approximately 9:30 a.m. The inspectors immediately proceeded to the guard house where they explained the reason for their presence and presented their credentials. The inspectors were asked to sign-in. The security office contacted Mr. John Beaver, and the inspectors were granted a parking pass and access to the facility. The inspectors proceeded to the main building. The inspectors introduced themselves, presented their credentials and explained the purpose of their visit. Mr. Beaver provided a brief overview of the facility operations and waste management practices. The following areas were inspected:

QC Lab

Century lab technicians conduct analytical test to determine quality of the material and determine levels of alumina/cryolite/fluoride. No hazardous waste was generated in this area at the time of the inspection. Outside this building, Century stores the facility's universal waste (UW). At the time of the inspection, the area was storing a container of 4-foot UW fluorescent lamps, a container of 8-foot

UW fluorescent lamps, a container of 4-foot UW metal halide lamps, a 55-gallon drum of non-PCB ballast, a 7-gallon bucket of alkaline batteries, a 1-gallon bucket of alkaline batteries and a 1-gallon container (empty) of lithium batteries. In addition, the facility stores scrap electronics to be recycled in this area. All containers were labeled and dated.

Riverfront

Barges travel on the Ohio River to deliver alumina and coke material to the facility. The material is vacuumed from the barges into a conveyer belt system into silos (9 silos for Alumina/2 silos for coke) for storage. No RCRA waste was generated in this area at the time of the inspection.

Paint Storage Area

The paint storage area is a metal roofed concrete floor storage building located northeast of the facility. At the time of the inspection, the area had a number of satellite accumulation areas (SAA) storing a 55-gallon drum aerosol can puncture device, a 55-gallon drum of paint waste, a 13-gallon container of aerosol cans, and a 13-gallon trash can of empty aerosol cans. All containers were closed and properly labeled.

Old Painters Building

This is the area contractors were using to conduct painting operations. At the time of the inspection, the area seemed abandoned. The inspection team noticed some old equipment and some old aerosol cans that were inside the building. Outside the building, the inspection team found a locked shed (See Figure 1). Mr. Beaver cut the lock on the shed. Inside the shed, the inspection team noticed a large number of abandoned 1-gallon paint cans (Figures 2 and 3). Mr. Beaver and Ms. Duncan didn't know how long the material has been stored here.

Pursuant to KRS 224.46-510(2) (2006) and 401 K.A.R. 31:010 Section 2 (2006) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 401 K.A.R. 31:010 Section 2 (2006) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in [KRS 224.46-510(2) (2006) and 401 K.A.R. 31:010 Section 2 (2006) [40 C.F.R. § 262.11].

Used Oil Building

This is where the facility stores used oil containers, new oil and some other contaminated debris before disposal. At the time of the inspection, the area was storing two 275-gallon totes, three 55-gallon drums of used oil, and a 55-gallon drum of an unknown (not labeled). Also, one of the 55-gallon drums was dented (or compromised). Mr. Beaver and Ms. Duncan didn't have knowledge of the material stored in the drum. Later, the building operator informed the team that the material was collected and poured into one of the used oil totes. This deficiency was corrected by the end of the inspection.

Pursuant to 401 K.A.R 44:020 Section 3(3)(a) (2006) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

Pursuant to 401 K.A.R 44:020 Section 3(1) (2006) [40 C.F.R. § 279.22(b)(1)], containers and aboveground tanks used to store used oil at the generator must be in good condition (no severe rusting, apparent structural defects or deterioration).

319 Electrical Shop

This is the area where electricians provide maintenance around the facility. At the time of the inspection, the inspection team noticed a trash bin storing an aerosol can. Mr. Beaver and Ms. Duncan explained that they collect all aerosol cans around the facility for proper disposal. The inspection team recommended providing more training to operators in this area.

Hydraulic Shop

This is the area where operators rebuild cylinders and hydraulic equipment. The shop has a parts washer manage by Crystal Clean. Used oil is managed in 55-gallon drums. At the time of the inspection, oil filters were draining on top of the 55-gallon drum (See Figure 4). The drum was not labeled. This deficiency was corrected by the end of the inspection.

Pursuant to 401 K.A.R 44:020 Section 3(3)(a) (2006) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

Green Carbon Building

Green carbon or carbon anode production is a process where petroleum coke, fluid coke, spent anode butts and coal tar pitch are combined and pressed to form "green" anodes which are then cooled using a cooling spray system. These materials are stored in silos. When pressing the anodes, the mixture and press are sprayed with hydraulic release agents, to help release the anodes from the presses. Under the press, the inspection team noticed numerous puddles and absorbent material. The operator said it was the release agent overspray. The material is managed as non-hazardous waste. Inside the building, the area has a parts washer (managed by Crystal Clean) and a 13-gallon trash bin storing aerosol cans. The container was open (See Figure 5). This deficiency was corrected by the end of the inspection.

Pursuant to 401 K.A.R. 32:030 Section 5(3)(a) (2006) [40 C.F.R. § 262.34(c)(1)], a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by KRS 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 401 K.A.R 32:030 Section 5(1) (2006) [40 C.F.R. § 262.34(a)], provided that the generator complies with the satellite accumulation area conditions listed in 401 K.A.R. 32:030 Section 5(3)(a) (2006)1.-2. [40 C.F.R. § 262.34(c)(1)(i)-(ii)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to 401 K.A.R. 32:030 Section 5(3)(a) (2006)1. [40 C.F.R. § 262.34(c)(1)(i)], which incorporates 401 K.A.R. 35:180 Section 4(1) (2006) [40 C.F.R. § 265.173(a)], and is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.

Carbon Anode Baking Building

Anodes are transported into one of three buildings, placed into subsurface ovens, and covered with fluid coke. The anode blocks are then baked in the natural gas-fired oven until the coal tar pitch volatiles have been removed. Natural gas fired burner racks are used for heating the furnaces to around 1,300°F to bake the anodes for 19 to 21 days. Bake Building 1, utilizes 12 burner racks and Bake Buildings 2 and 3 utilizes 9 racks each. Each burner rack is comprised of 14 burners that are connected by hoses with check valves to gas connections located on each side of the bake buildings. The hoses are positioned on the floor between the connections on the walls of the building and the burner racks. Inside the building, operators stored aerosol cans inside a small metal cabinet. At the time of the inspection, empty cans were stored inside the cabinets, as well. The inspectors recommended having a SAA storage container to manage empty cans.

Emissions from the process are routed through an exhaust duct to a dry alumina scrubber. The alumina used in the scrubbing process is used as raw material in the aluminum reduction process. Mr. Beaver and Ms. Duncan explained that while operating, some of the scrubber valves can malfunction and stay open (See Figure 6). Because of this issue, cooling tower overspray and coke accumulates at the bottom of the cooling tower (See Figure 7). After inspection, Century submitted analytical data to the inspection team showing that the material is a D002/D007/D008 waste (See Appendix 2). Records showed that this has happened a number of times during the past few years (2011, 2014, and 2017). Based on observations of this area and related information, the inspection team determined that the area storing the hazardous waste is a tank.

Pursuant to 401 K.A.R 32:030 Section 5(1) (2006) [40 C.F.R. § 262.34(a)], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a Large Quantity Generator (LQG) and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by KRS 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 401 K.A.R 32:030 Section 5(1)(a)-(d) (2006) [40 C.F.R. § 262.34(a)(1)-(4)] (hereinafter referred to as the "LQG Permit Exemption").

Pursuant to 401 K.A.R 32:030 Section 5(1)(a)2. (2006) [40 C.F.R. § 262.34(a)(1)(ii)], which incorporates 401 K.A.R. 35:190 (2006) [40 C.F.R. Part 265, Subpart J], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tank systems is required to comply with the tank standards of 401 K.A.R. 35:190 (2006) [40 C.F.R. Part 265, Subpart J].

Pursuant to 401 K.A.R. 32:030 Section 5(1)(c) (2006) [40 C.F.R. § 262.34(a)(3)], which is a condition of the LQG Permit Exemption, a generator is required to label or clearly mark each container and tank accumulating hazardous waste on-site with the words: "Hazardous Waste."

Pursuant to 401 K.A.R 32:030 Section 5(1)(a)2. (2006) [40 C.F.R. § 262.34(a)(1)(ii)], which incorporates 401 K.A.R. 35:190 Section 3(1) (2006) [40 C.F.R. § 265.192(a)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must obtain a written tank assessment reviewed and certified by a qualified Professional Engineer, attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

Pursuant to 401 K.A.R 32:030 Section 5(1)(a)2. (2006 [40 C.F.R. § 262.34(a)(1)(ii)], which incorporates 401 K.A.R. 35:190 Section 6 (2006) [40 C.F.R. § 265.195(e)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must conduct daily inspections of tank ancillary equipment that is not provided with secondary containment.

Pot lines

Aluminum is produced by combining alumina, aluminum fluoride, sodium carbonate, and lithium carbonate in an electrolytic reduction cell or pot. A cathode lies underneath the mixture (bath) and the anodes are positioned so that the bottoms are immersed in the bath. A strong electric current passes through the anodes and cathodes and causes the solution to melt and react. The reaction results in the separation and precipitation of the aluminum out the mixture. During the process, spent anodes (18 on each pot line) are replaced with new anodes and raw material hoppers are filled. Molten aluminum is removed from the cell or tapped and transported by shop mule to across the street to Southwire and Columbia Specialty Metals facilities. In addition, Century sends tapped aluminum to their Casthouse, where molten aluminum is poured into a mold. The cooled ingots are stored onsite until transported to their customers.

Century has five pot lines but only two are operating (Line 2 and 4). Each pot line has 112 pots (total of 560). After a certain number of days running, cells are removed from service. Previously the pots would have been removed and taken to the Spent Pot Liner Building. Because of the reduction in production, the facility decided to clean the pots in place. Operators remove the bath (nonhazardous waste), only the damaged portion of the cathode and any damaged brick walls. The cathode and brick wall are considered spent pot liner (SPL or K088) waste. Operators conduct the cleaning of the pots using shovels, brooms and a small bobcat. The SPL is collected in small metal containers and moved to roll-offs at the hazardous waste storage area. At the time of the inspection, facility operators were conducting a forensic study of one of the pot lines to determine if they needed to make change in operation. Piles of bath, fluoride, alumina and aluminum located inside the lines are recycled in different portions of the process. This change of practice has decreased the volume of SPL generated by shuffling pots from line to line and only patching pots as opposed to rebuilding pots on a routine basis.

Old Spent Pot Liner Building

Previously, pots would have been removed and taken to this large metal building to be completely reworked. After cleaning the building in November 2015, the building is now used for storage. At the time of inspection, the area was storing large equipment, and some bath and cryolite that is going to be used in the process. No RCRA waste was stored in this building at the time of the inspection.

Mobile Equipment Garage

This is the area where operators conduct maintenance on equipment around the facility. Outside the metal building, the garage has a tank (approx. 500-gallons) that collects used oil. Used oil is pumped to the tank from a used oil pan, located inside the building, used to drain oil filters and equipment. Also outside, the inspection team found a used oil container storing drained used oil filters, drained plastic oil bottles and used oil absorbent. All containers were properly labeled. Inside, the area were aerosol cans being stored in two 30-gallon metal SAA containers. At the time of the inspection, the

SAA containers were open (See Figure 8). This deficiency was corrected by the end of the inspection.

Pursuant to 401 K.A.R. 32:030 Section 5(3)(a) (2006)1. [40 C.F.R. § 262.34(c)(1)(i)], which incorporates 401 K.A.R. 35:180 Section 4(1) (2006) [40 C.F.R. § 265.173(a)], and is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.

Hazardous Waste Storage Area

The 90-days storage area is a concrete pad used to stored SPL in 30-cubic yard metal roll-offs. At the time of the inspection, the area was storing 4 roll-offs but only one was full. The roll-off was closed, labeled and dated.

Recordkeeping

Documents and records that the inspection team reviewed included: weekly inspections (2015-2017), manifests (2016-2017), position descriptions, personnel hazardous waste management training documentation (2016-2017) and certificates. Based on the amount of waste accumulated in containers onsite at the time of the inspection, the inspection team conducted the inspection as if the facility is a LQG of hazardous waste.

Contingency Plan

At the time of the inspection, the 2013 contingency plan (updated in 2015) needed to be updated to reflect the new employees on the contingency plan's emergency coordinator list. The inspection team reviewed the documents and suggested to have a specific RCRA contingency plan to comply with this requirement under 40 C.F.R § 265.52(d).

Closing Conference

A closing conference was held on August 9, 2017, at the end of the inspection with Mr. Beaver and Ms. Duncan. During this meeting the preliminary concerns and the preliminary observations of the inspectors were discussed.

11) List of Appendices

Appendix 1 - Photo Log
Appendix 2 - Lab analysis

12) Signed

Héctor Danois, Environmental Engineer — Date: 1/9/18

Concurrence

Alan A. Annicella, Chief
Hazardous Waste Enforcement
and Compliance Section — Date: 1/11/18

Appendix 1
Photo Log

Taken August 8-9, 2017

Figure 1 - Locked storage shed

Figure 2 - Paint cans inside the shed

Figure 3 - More paint can inside the shed

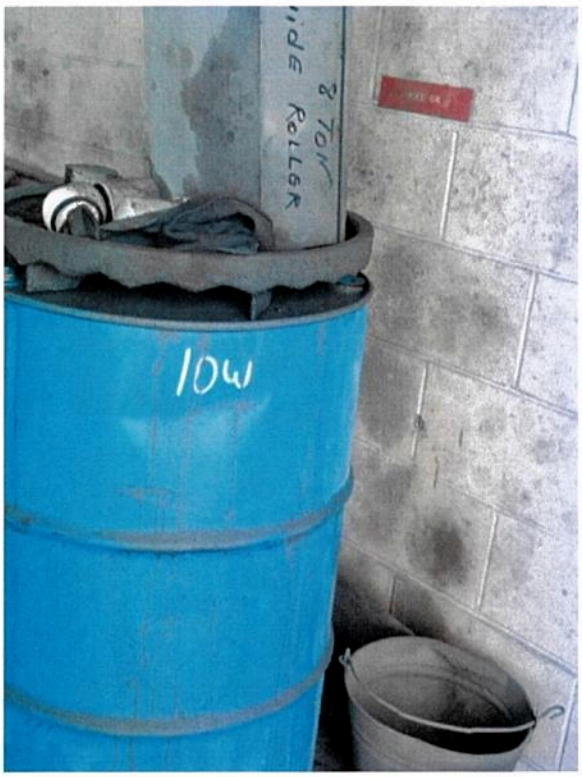

Figure 4 - Unlabeled used oil drum at the Hydraulic Shop

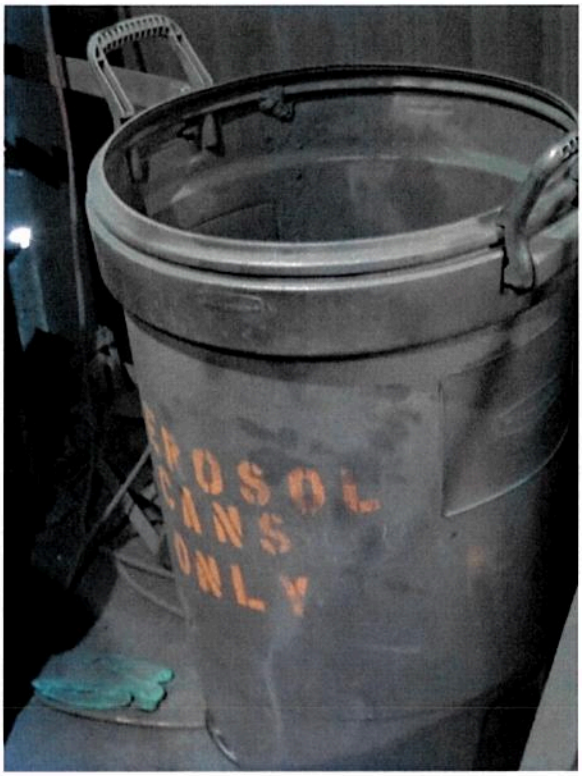

Figure 5 - Open SAA at the Green Building

Figure 6 - Valves inside the cooling tower

Figure 7 – Cooling tower water and coke accumulated at the bottom of the cooling tower

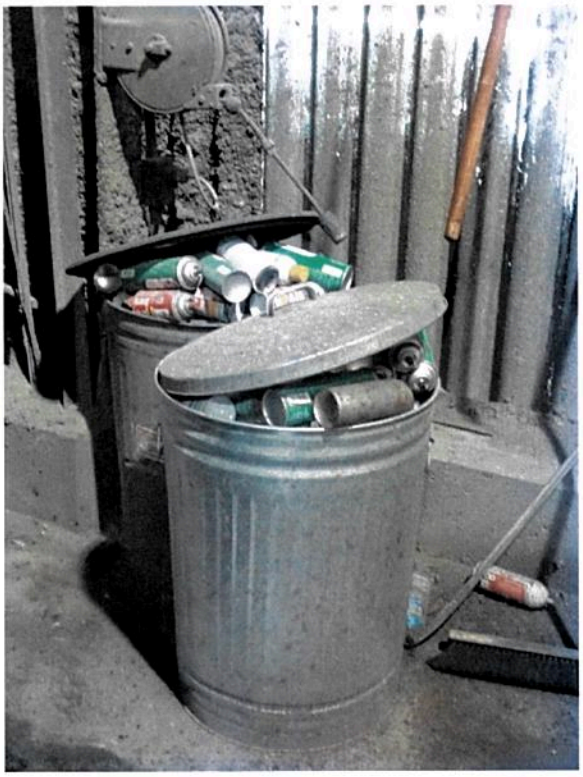

Figure 8 - Open SAA containers

Appendix 2
Lab analysis

American Environmental Services, Inc.
724-933-4100
724-933-4110 FAX

NAME OF WASTE STREAM

Haz Tank Debris, Carbon Scrubber Unit

☑ New
☐ Amendment

A. GENERATOR INFORMATION

Generator Name CENTURY ALUMINUM-HAWESVILLE
Facility Address 1627 SR RT 271 NORTH
City/County HAWESVILLE
State KY **Zip Code** 42348
USEPA ID# KYD049062375
STATE ID#

Technical Contact Kelly Campbell 270-852-2273
Telephone 317 439 1976 Rick/KCOM **Ext.**
FAX na
Billing Name KCOM
Billing Address 1021 E WALLACE ST
City FT WAYNE **State** IN **Zip Code** 46803
Attention AMY HORNE
Telephone 317 439 1976 Rick/KCOM **Ext.**

B. DOT

Shipping Name Waste Corrosive Liquid, Acidic, Inorganic, N.O.S. (Sulfuric Acid) (Chromium, Lead)
Hazard Class 9 **UN/NA No.** UN 3264
Packing Group III **RQ** D002

C. RCRA

RCRA Non Hazardous/Exempt ☑ Yes ☐ No
Process Generating Blow-Down from emissions control unit collection of carbon anode oven curing system
State Waste Codes
EPA Waste Codes (Attach addl. sheet if necessary)
D002 D007 D008

D. ANNUAL REPORT CODES

SIC Code
Source Code
Form Code
Origin Code
System Type

E. OTHER COMPONENTS

	No	Yes	Total ppm
PCB's	☑	☐	
Cyanides	☑	☐	
Sulfides	☑	☐	
Pesticides	☑	☐	
Phenolics	☑	☐	
Dioxins	☑	☐	
Halogens	☑	☐	%

F. PHYSICAL CHARACTERISTICS AT 70°F

1. **Infectious or Biological Waste?** ☐ Yes ☑ No
2. **NRC Regulated Radioactive?** ☐ Yes ☑ No
3. **Reactivity** ☑ None ☐ Pyrophoric ☐ Cyanides ☐ Sulfides ☐ Water Reactive ☐ Shock Sensitive ☐ DOT Explosive ☐ Other

☐ Gas (Cylinder)	☑ Solid	70 %
☐ Aerosol	☑ Sludges	25 %
☐ Lab Pack	☑ Free Liquids	5 %
	☐ Dust	%

Layers
☐ Single Layered ☑ Bi-Layered ☐ Multi-Layered

Viscosity
☐ Low ☑ Medium ☐ High

Odor
☑ None ☐ Mild ☐ Strong
Describe: none

Color/Appearance
light-medium grey

Weight
Density .9 lbs./gal. (US, liq)
lbs./cu. foot
Dry Weight ☐ < 1.0% ☐ 1-5% ☐ 5-20% ☑ 20-100%

pH
☑ < 2 ☐ 2.1-4 ☐ 4.1-10 ☐ 10.1-12.4 ☐ >=12.5 ☐ NA Exact

American Environmental Services, Inc.
724-933-4100
724-933-4110 FAX

Flash Point (liquid only)
- ☐ < 73°F (23°C)
- ☐ 73° - 140°F (23°C - 60°C)
- ☐ 142° - 200°F (61°C - 93°C)
- ☐ > 200°F (93°C)
- ☑ N/A

Boiling Point
- ☐ < 95°F (35°C)
- ☐ > 95°F (35°C)
- ☐ N/A

BTU/Lb. <5000

Dermal Toxicity LD_{50} (Mg/Kg)
- ☐ < = 40
- ☐ > 40, < = 200
- ☐ > 200, < = 1000
- ☐ > 1000

4. Material poisonous by inhalation? ☐ Yes ☑ No

Oral Toxicity LD_{50} (Mg/Kg)

	☐ < = 5	☐ > 5, < = 50
Solids:	☐ > 50, < = 200	☐ > 200
Liquids:	☐ > 50, < = 500	☐ > 500

G. METALS

☑ NONE ☑ TCLP (MG/L) ☐ TOTAL (PPM)

	Reg. Limit	Below	Above	Range
Arsenic	5 mg/L	☑	☐	
Barium	100 mg/L	☑	☐	
Cadmium	1 mg/L	☑	☐	
Chromium	5 mg/L	☐	☑	5-8
Copper		☑	☐	
Lead	5 mg/L	☐	☑	5-8
Mercury	0.2 mg/L	☑	☐	
Nickel	134 mg/L	☑	☐	
Selenium	1 mg/L	☑	☐	
Silver	5 mg/L	☑	☐	
Zinc		☑	☐	

Others:

LAB DATA ATTACHED, high range estimated

5. Is this waste stored in vented drums? ☐ Yes ☑ No
6. Is this waste pumpable? ☐ Yes ☑ No
7. Is this waste polymerizable? ☐ Yes ☑ No
8. Is waste stream subject to the National Emission Standards for Benzene Waste Operations (40 CFR 61 Subpart FF)? ☐ Yes ☑ No
9. Is this waste regulated as an ozone depleting substance (40 CFR part 82)? ☐ Yes ☑ No
10. Does this waste contain scrap metal pieces greater than 2 inches in size? ☐ Yes ☑ No
11. Does this waste contain > 100 ppm VOC's? ☐ Yes ☑ No

H. PHYSICAL/CHEMICAL CONSTITUENTS

Aluminum Oxide	20 %
Carbon	60 %
Water (est 5% free, balance as contained in.)	20 %
Hydraulic Oil	<10 %
	%
	%
	%
	%
	%

(Attach All MSDS, Sample Analysis and Additional Info.)

I. ANTICIPATED VOLUME

Qty	Container	Qty	Container
☐ ___	5 gl. pail	☐ ___	Cubic Yard Box*
☐ ___	15 gl. carboy	☐ ___	Super Sack*
☐ ___	30 gl. drum	☐ ___	Rolloff/Dump Trailer*
☐ ___	55 gl. drum	☐ ___	Tanker*
☐ ___	85 gl. drum	☐ 1	Other VAC BOX

Per ☐ 1 Time ☐ Week ☐ Month ☐ Year ☑ Other EVENT BASED

(*) Is this waste regulated as a Marine Pollutant (49 CFR 171.8)? ☐ Yes ☑ No

Comments:

Generator's Certification:

I hereby certify that the above and attached description is complete and accurate to the best of my knowledge and ability to determine that no deliberate or willful omissions of composition properties exist and that all known or suspected hazards have been disclosed. I certify that the materials tested are representative of all materials described by this profile.

Generator's Authorized Signature: John O. Rose **Date** 4-12-2017

WHITE: AES **YELLOW:** Sales Office Copy

McCoy & McCoy Laboratories, Inc.
P.O. Box 907
Madisonville, KY 42431
(270) 821-7375
www.mccoylabs.com

Paducah, KY (270) 444-6547
Louisville, KY (502) 961-0001
Lexington, KY (859) 299-7775
Pikeville, KY (606) 432-3104

s.tate@mccoylabs.com

Century Aluminum of KY, LLC
Attn: Jim Poteat
P O Box 500
Hawesville KY 42348

Batch #	11072553
Received	07/27/2011
Reported	08/05/2011
Client	CE6550
Page	1 of 1

ANALYSIS REPORT

AI43253 Carbon Bake Evaporative 2011116 Collected: 07/22/2011 14:30

8270-Sample diluted 1:100

TEST DESCRIPTION	ANALYZED	BY	METHOD	RESULT	UNITS	REPORT LIMIT	MCL	NOTE
% Solids Mdv	07/28/2011	TAC	SM 2540 G	0.7	%			
Extraction TCLP Filtration Mdv	07/28/2011	TAC	SW 1311	7/28/11				
Extraction TCLP ZHE Volatile Mdv	07/28/2011	TAC	SW 1311 ZH	7/28/11				
Extraction Semi-Volatile Mdv	07/28/2011	REE	SW 3550	7/28/11				
Arsenic by ICP/MS Mdv - TCLP	08/05/2011	JEB	SW 6020	0.149 D	mg/l	0.02	5	
Barium by ICP/MS Mdv - TCLP	08/05/2011	JEB	SW 6020	0.061 D	mg/l	0.02	100	
Cadmium by ICP/MS Mdv - TCLP	08/05/2011	JEB	SW 6020	1.428 D	mg/l	0.005	1	
Chromium by ICP/MS Mdv - TCLP	08/05/2011	JEB	SW 6020	0.351 D	mg/l	0.02	5	
Lead by ICP/MS Mdv - TCLP	08/05/2011	JEB	SW 6020	3.056 D	mg/l	0.02	5	
Selenium by ICP/MS Mdv - TCLP	08/05/2011	JEB	SW 6020	0.088 D	mg/l	0.02	1	
Silver by ICP/MS Mdv - TCLP	08/05/2011	JEB	SW 6020	0.02 DU	mg/l	0.02	5	
Mercury by ICP/MS Mdv - TCLP	08/05/2011	JEB	SW 6020*	0.002 DU	mg/l	0.002	0.2	
1,1-Dichloroethene - TCLP	08/04/2011	SAL	SW 8260 B	0.05 U	mg/l	0.05	0.7	
1,2-Dichloroethane - TCLP	08/04/2011	SAL	SW 8260 B	0.05 U	mg/l	0.05	0.5	
2-Butanone - TCLP	08/04/2011	SAL	SW 8260 B	0.05 U	mg/l	0.05	200	
Benzene - TCLP	08/04/2011	SAL	SW 8260 B	0.05 U	mg/l	0.05	0.5	
Carbon Tetrachloride - TCLP	08/04/2011	SAL	SW 8260 B	0.05 U	mg/l	0.05	0.5	
Chlorobenzene - TCLP	08/04/2011	SAL	SW 8260 B	0.05 U	mg/l	0.05	100	
Chloroform - TCLP	08/04/2011	SAL	SW 8260 B	0.05 U	mg/l	0.05	6	
Tetrachloroethene - TCLP	08/04/2011	SAL	SW 8260 B	0.05 U	mg/l	0.05	0.7	
Trichloroethene - TCLP	08/04/2011	SAL	SW 8260 B	0.05 U	mg/l	0.05	0.5	
Vinyl Chloride - TCLP	08/04/2011	SAL	SW 8260 B	0.05 U	mg/l	0.05	0.2	
1,4-Dichlorobenzene - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	7.5	
2,4,5-Trichlorophenol - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	400	
2,4,6-Trichlorophenol - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	2	
2,4-Dinitrotoluene - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	0.13	
2-Methylphenol - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	200	
4-Methylphenol - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	200	
Hexachlorobenzene - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	0.13	
Hexachlorobutadiene - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	0.5	
Hexachloroethane - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	3	
Nitrobenzene - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	2	
Pentachlorophenol - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	100	

Results relate only to the samples.

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Pikeville, KY (606) 432-3104

s.tate@mccoylabs.com

Certified WBENC Women's Business Enterprise

Accredited in accordance with nela 100389

Century Aluminum of KY, LLC
Attn: Jim Poteat
P O Box 500
Hawesville KY 42348

Batch #	11072553
Received	07/27/2011
Reported	08/05/2011
Client	CE6550
Page	1 of 1

ANALYSIS REPORT

AI43253 Carbon Bake Evaporative 2011116 Collected: 07/22/2011 14:30

8270-Sample diluted 1:100

TEST DESCRIPTION	ANALYZED	BY	METHOD	RESULT	UNITS	REPORT LIMIT	MCL	NOTE
Pyridine - TCLP	08/01/2011	RCW	SW 8270 C	2.5 U	mg/l	0.01	5	

Qualifier Legend
U Non-detected at the reported detect limit

Submitted By: Syd Tate

Syd Tate, Data Reviewer

The analyses reported above have been determined by protocols that meet or exceed the requirements of NELAC. Methods listed with an '*' are not part of this accreditation. Call Syd Tate at 270-821-7375 for any questions concerning this analysis report.

Results relate only to the samples.

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Century Aluminum of KY, LLC
Attn: Jim Poteat
P O Box 500
Hawesville KY 42348

Batch #	11072553
Received	07/27/2011
Reported	08/05/2011
Client	CE6550
Page	1 of 1

ANALYSIS REPORT

AI43254 Carbon Bake Evaporative 2011116 Collected: 07/22/2011 14:30

TEST DESCRIPTION	ANALYZED	BY	METHOD	RESULT	UNITS	REPORT LIMIT	NOTE
Flash Point Mdv	07/28/2011	TAC	SW 1010*	ND200	Degrees F		
Copper by ICP/MS Mdv	08/05/2011	JEB	SW 6020	0.175 D	mg/l	0.02	
Nickel by ICP/MS Mdv	08/05/2011	JEB	SW 6020	1.659	mg/l	0.02	
pH by electrode Mdv	07/28/2011	TAC	SW 9040 B	2.49	SU		

Qualifier Legend
D Results reported from dilution

Submitted By: Syd Tate
Syd Tate, Data Reviewer

The analyses reported above have been determined by protocols that meet or exceed the requirements of NELAC. Methods listed with an '*' are not part of this accreditation. Call Syd Tate at 270-821-7375 for any questions concerning this analysis report.

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Certificate of Analysis
7092604

Abbey Duncan
Century Aluminum of KY LLC
P O Box 500
Hawesville KY, 42348

Customer ID: CE6550
Report Printed: 09/25/2017 13:12

Project Name:	Waste Characterization	Workorder:	7092604

Dear Abbey Duncan

Enclosed are the analytical results for samples received at one of our laboratories on 09/18/2017 08:00.

McCoy & McCoy Laboratories, Inc. is a commercial laboratory accredited by various state and national authorities, including Indiana, Kentucky, Tennessee, and Virginia's National Environmental Laboratory Accreditation Program (NELAP). With the NELAP accreditation, applicable test results are certified to meet the requirements of the National Environmental Laboratory Accreditation Program.

If you have any questions concerning this report please contact the individual listed below.

Please visit our website at www.mccoylabs.com for a listing of the NELAP accreditations and Scope of Work, as well as, links to other scientific organizations.

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#460210
Madisonville

PJLA Testing
Accreditation
#80812

ISO/IEC 17025:2005
ACCREDITED

Syd Tate

Syd Tate, Project Manager

This page is included as part of the Analytical Report and must be retained as a permanent record thereof.

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SAMPLE SUMMARY

Lab ID	Client Sample ID/Alias	Matrix	Date Collected	Date Received	Sampled By
7092604-01	Carbon Bake Cooling Tower/Malfunction Material	Water	09/14/2017 00:00	09/18/2017 8:00	Ashley Duncan

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ANALYTICAL RESULTS

Lab Sample ID: **7092604-01**
Description: **Carbon Bake Cooling Tower Malfunction Material**

Sample Collection Date Time: 09/14/2017 00:00
Sample Received Date Time: 09/18/2017 08:00

Volatile Organic Compounds (TCLP)

Analyte	Result	Flag	Units	MRL	MDL	Method	Prepared	Analyzed	Analyst
1,1-Dichloroethylene	ND	D, U	mg/L	0.050	0.020	SW846-8260 B	09/19/2017 16:08	09/21/2017 10:04	HEM
1,2-Dichloroethane	ND	D, U	mg/L	0.050	0.020	SW846-8260 B	09/19/2017 16:08	09/21/2017 10:04	HEM
1,4-Dichlorobenzene	ND	D, U	mg/L	0.050	0.020	SW846-8260 B	09/19/2017 16:08	09/21/2017 10:04	HEM
Benzene	ND	D, U	mg/L	0.050	0.020	SW846-8260 B	09/19/2017 16:08	09/21/2017 10:04	HEM
Carbon tetrachloride	ND	D, U	mg/L	0.050	0.020	SW846-8260 B	09/19/2017 16:08	09/21/2017 10:04	HEM
Chlorobenzene	ND	D, U	mg/L	0.050	0.020	SW846-8260 B	09/19/2017 16:08	09/21/2017 10:04	HEM
Chloroform	ND	D, U	mg/L	0.050	0.020	SW846-8260 B	09/19/2017 16:08	09/21/2017 10:04	HEM
Methyl Ethyl Ketone	ND	D, U	mg/L	0.050	0.020	SW846-8260 B	09/19/2017 16:08	09/21/2017 10:04	HEM
Tetrachloroethylene	ND	D, U	mg/L	0.050	0.020	SW846-8260 B	09/19/2017 16:08	09/21/2017 10:04	HEM
Trichloroethylene	ND	D, U	mg/L	0.050	0.020	SW846-8260 B	09/19/2017 16:08	09/21/2017 10:04	HEM
Vinyl chloride	ND	D, U	mg/L	0.050	0.020	SW846-8260 B	09/19/2017 16:08	09/21/2017 10:04	HEM

Base Neutral and Acid Extractable Organics (TCLP)

Analyte	Result	Flag	Units	MRL	MDL	Method	Prepared	Analyzed	Analyst
1,4-Dichlorobenzene	ND	U	mg/L	0.010	0.005	SW846-8270 C	09/20/2017 17:00	09/22/2017 16:31	BEM
2,4,5-Trichlorophenol	ND	U	mg/L	0.010	0.005	SW846-8270 C	09/20/2017 17:00	09/22/2017 16:31	BEM
2,4,6-Trichlorophenol	ND	U	mg/L	0.010	0.005	SW846-8270 C	09/20/2017 17:00	09/22/2017 16:31	BEM
2,4-Dinitrotoluene	ND	U	mg/L	0.010	0.005	SW846-8270 C	09/20/2017 17:00	09/22/2017 16:31	BEM
2-Methylphenol	ND	U	mg/L	0.010	0.005	SW846-8270 C	09/20/2017 17:00	09/22/2017 16:31	BEM
4-Methylphenol	ND	U	mg/L	0.010	0.005	SW846-8270 C	09/20/2017 17:00	09/22/2017 16:31	BEM
Hexachlorobenzene	ND	U	mg/L	0.010	0.005	SW846-8270 C	09/20/2017 17:00	09/22/2017 16:31	BEM
Hexachlorobutadiene	ND	U	mg/L	0.010	0.005	SW846-8270 C	09/20/2017 17:00	09/22/2017 16:31	BEM
Hexachloroethane	ND	U	mg/L	0.010	0.005	SW846-8270 C	09/20/2017 17:00	09/22/2017 16:31	BEM
Nitrobenzene	ND	U	mg/L	0.010	0.005	SW846-8270 C	09/20/2017 17:00	09/22/2017 16:31	BEM
Pentachlorophenol	ND	U	mg/L	0.010	0.005	SW846-8270 C	09/20/2017 17:00	09/22/2017 16:31	BEM
Pyridine	**2.84**	D1	mg/L	0.100	0.050	SW846-8270 C	09/20/2017 17:00	09/22/2017 18:04	BEM

Metals (TCLP) by SW846 6000 Series Methods

Analyte	Result	Flag	Units	MRL	MDL	Method	Prepared	Analyzed	Analyst
Arsenic	**0.641**	D2	mg/L	0.100	0.0400	SW846-6020 A	09/19/2017 11:02	09/19/2017 18:28	DMH
Barium	ND	D2, V1, U	mg/L	0.400	0.400	SW846-6020 A	09/19/2017 11:02	09/19/2017 18:28	DMH
Cadmium	**36.4**	D2	mg/L	0.100	0.0100	SW846-6020 A	09/19/2017 11:02	09/20/2017 12:16	DMH
Chromium	**14.3**	D2	mg/L	0.200	0.0600	SW846-6020 A	09/19/2017 11:02	09/19/2017 18:28	DMH
Lead	**6.31**	D2	mg/L	0.200	0.100	SW846-6020 A	09/19/2017 11:02	09/20/2017 12:16	DMH
Mercury	ND	U, D2, V1	mg/L	0.0500	0.0200	SW846-6020 A	09/19/2017 11:02	09/19/2017 18:28	DMH
Selenium	**0.216**	D2, V1, J	mg/L	0.300	0.100	SW846-6020 A	09/19/2017 11:02	09/19/2017 18:28	DMH
Silver	ND	D2, V1, U	mg/L	0.100	0.0400	SW846-6020 A	09/19/2017 11:02	09/19/2017 18:28	DMH

Conventional Chemistry Analyses Madisonville

Analyte	Result	Flag	Units	MRL	MDL	Method	Prepared	Analyzed	Analyst

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Conventional Chemistry Analyses Madisonville

Analyte	Result	Flag	Units	MRL	MDL	Method	Prepared	Analyzed	Analyst
Flashpoint - Ignitability	No Flash Below 200°F		°F	1.0	1.0	SW846-1010	09/21/2017 11:40	09/21/2017 11:40	JDG

TCLP Volatile Extraction and Filtration

Analyte	Result	Flag	Units	MRL	MDL	Method	Prepared	Analyzed	Analyst
Initial pH	**2.14**			0.100		SW846-1311	09/19/2017 09:30	09/19/2017 10:14	JDG
Filterable Solids	**1.20**					SW846-1311	09/19/2017 09:30	09/19/2017 10:14	JDG
Extraction Fluid #	ND			0.00		SW846-1311	09/19/2017 09:30	09/19/2017 10:14	JDG
Rotation Time (Hrs)	ND			0.00		SW846-1311	09/19/2017 09:30	09/19/2017 10:14	JDG
Temperature (min) oC TCLP	**22.1**					SW846-1311	09/19/2017 09:30	09/19/2017 10:14	JDG
Temperature (max) oC TCLP	**22.1**					SW846-1311	09/19/2017 09:30	09/19/2017 10:14	JDG

TCLP Non Volatile Extraction and Filtration

Analyte	Result	Flag	Units	MRL	MDL	Method	Prepared	Analyzed	Analyst
Final pH	**2.14**			0.100		SW846-1311	09/19/2017 09:30	09/19/2017 10:12	JDG
Initial pH	**2.14**			0.100		SW846-1311	09/19/2017 09:30	09/19/2017 10:12	JDG
Filterable Solids	**1.20**					SW846-1311	09/19/2017 09:30	09/19/2017 10:12	JDG
Temperature (min) oC TCLP	**22.1**					SW846-1311	09/19/2017 09:30	09/19/2017 10:12	JDG
Temperature (max) oC TCLP	**22.1**					SW846-1311	09/19/2017 09:30	09/19/2017 10:12	JDG

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Notes for work order 7092604

- Samples collected by MMLI personnel are done so in accordance with procedures set forth in MMLI field services SOPs.
- All Waste Water analyses comply with methodology requirements of 40 CFR Part 136.
- All Drinking Water analyses comply with methodology requirements of 40 CFR Part 141.
- Unless otherwise noted, all quantitative results for soils are reported on a dry weight basis.
- The Chain of Custody document is included as part of this report.
- All Library Search analytes should be regarded as tentative identification based on the presumptive evidence of the mass spectra.

A-01	CCV failure noted for this analyte.
D	Results reported from dilution.
D1	Sample required dilution due to high concentration of target analyte.
D2	Sample required dilution due to matrix interference.
F-01	No Flash Below 200°F
J	Estimated value.
L2	The associated blank spike recovery was below method acceptance limits.
M2	Matrix spike recovery was low; the method control sample recovery was acceptable.
M4	The analysis of the spiked sample required a dilution such that the spike concentration was diluted below the reporting limit. The method control sample recovery was acceptable.
U	Target analyte was analyzed for, but was below detection limit (the value associated with the qualifier is the laboratory method detection limit in our LIMS system).
V1	CCV recovery was above method acceptance limits. This target analyte not detected in the sample.

Standard Quallifiers/Acronymns

MDL	Method Detection Limit
MRL	Minimum Reporting Limit
ND	Not Detected
LCS	Laboratory Control Sample
MS	Matrix Spike
MSD	Matrix Spike Duplicate
DUP	Sample Duplicate
% Rec	Percent Recovery
RPD	Relative Percent Difference
>	Greater than
<	Less than

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Certified Analyses included in this Report

Analyte	Certifications
SW846-1010 in Water	
Flashpoint - Ignitability	VA NELAC Mdv (460210)
SW846-1311 in Water	
Final pH	VA NELAC Mdv (460210)
Initial pH	VA NELAC Mdv (460210)
Initial pH	VA NELAC Mdv (460210)
Filterable Solids	VA NELAC Mdv (460210)
Filterable Solids	VA NELAC Mdv (460210)
Extraction Fluid #	VA NELAC Mdv (460210)
Temperature (min) oC TCLP	VA NELAC Mdv (460210)
Rotation Time (Hrs)	VA NELAC Mdv (460210)
Temperature (max) oC TCLP	VA NELAC Mdv (460210)
Temperature (min) oC TCLP	VA NELAC Mdv (460210)
Temperature (max) oC TCLP	VA NELAC Mdv (460210)
SW846-6020 A in Water	
Arsenic	VA NELAC Mdv (460210)
Barium	VA NELAC Mdv (460210)
Mercury	VA NELAC Mdv (460210)
Cadmium	VA NELAC Mdv (460210)
Chromium	VA NELAC Mdv (460210)
Lead	VA NELAC Mdv (460210)
Selenium	VA NELAC Mdv (460210)
Silver	VA NELAC Mdv (460210)
SW846-8260 B in Water	
1,1-Dichloroethylene	VA NELAC Mdv (460210)
1,2-Dichloroethane	VA NELAC Mdv (460210)
Benzene	VA NELAC Mdv (460210)
Carbon tetrachloride	VA NELAC Mdv (460210)
Chlorobenzene	VA NELAC Mdv (460210)
Chloroform	VA NELAC Mdv (460210)
Methyl Ethyl Ketone	VA NELAC Mdv (460210)
Tetrachloroethylene	VA NELAC Mdv (460210)
Trichloroethylene	VA NELAC Mdv (460210)
SW846-8270 C in Water	
1,4-Dichlorobenzene	VA NELAC Mdv (460210)
2,4,5-Trichlorophenol	VA NELAC Mdv (460210)
2,4,6-Trichlorophenol	VA NELAC Mdv (460210)
2,4-Dinitrotoluene	VA NELAC Mdv (460210)
2-Methylphenol	VA NELAC Mdv (460210)
4-Methylphenol	VA NELAC Mdv (460210)
Hexachlorobenzene	VA NELAC Mdv (460210)
Hexachlorobutadiene	VA NELAC Mdv (460210)
Hexachloroethane	VA NELAC Mdv (460210)
Nitrobenzene	VA NELAC Mdv (460210)
Pentachlorophenol	VA NELAC Mdv (460210)

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Pyridine

VA NELAC Mdv (460210)

Sample Acceptance Checklist for Work Order 7092604

Shipped By: UPS

Temperature: 20.00° Celcius

Condition	
Check if custody seals were present/intact.	☐
Check if any containers were received damaged.	☐
Check if COC was submitted and complete.	☑
Check if COC agreed with sample labels.	☑
Check if all containers on COC were received	☑
Check if all samples had appropriate containers.	☑
Check if all samples had appropriate volumes.	☑
Check if collection methods were recorded on COC.	☐
Check if flow units were recorded on COC.	☐
Check if any headspace issues with volatile sample	☐
Check if holding times were acceptable.	☑
Check if all containers were preserved properly.	☑

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173 Island Creek Rd	Pikeville, KY 41501	606-432-3104
5510 Fern Valley Rd.	Louisville, KY 40228	502-961-0001
3038 Lone Oak Rd.	Paducah, KY 42003	270-444-6547

CHAIN OF CUSTODY

Page 1 of _____

Client: Century Aluminum of KY
11627 St. Rt. 3543
Hawesville, KY 42348

Bill To: same as client info

Customer PO# 546469

Sample Chlorinated YES (NO) (circle one)

Compliance Sample YES (NO) (circle one)

Project Name: 09

Sample Collector (Signature): Amy Duncan

Sample receipt information is electronically recorded

Workorder No.: 709216054

No.	Collection Date	Time	Matrix	Preservative	# of Bottles	Grab / Composite	Sample Description	Analysis Requested	Sample No. MMLI Use Only
1	9/14/17		SL	N/A	1	G	Carbon bake cooling tower malfunction material	TCLP metals, sVOC, VOC, pH, & Flashpoint	-01
	pH___	Cl___	Temp___	C or F					
2									
	pH___	Cl___	Temp___	C or F					
3								~~5 Day~~ 4 Day TAT 9/18/17	
	pH___	Cl___	Temp___	C or F					
4									
	pH___	Cl___	Temp___	C or F					
5									
	pH___	Cl___	Temp___	C or F					

Comments:

	Date	Time
Relinquished By: Amy Duncan	9-15-17	0900
Received By:	Date	Time
Relinquished By: UPS	9/18/17	0800
Received By: Lisa Shearer	9/18/17	0800
Relinquished By:	Date	Time
Received By:	Date	Time

Code Chart

Matrix	Preservation
DW - Drinking Water	NI - Nitric Acid (HNO3)
SW - Solid Waste	HA - Hydrochloric Acid (HCL)
SO - Soil/Solid	SH - Sodium Hydroxide (NaOH)
OL - Oil	ST - Sodium Thiosulfate
SL - Sludge	ZN - Zinc Acetate
GW - Groundwater	SA - Sulfuric Acid (H2SO4)
WW - Wastewater	AA - Absorbic Acid
SU - Surface water	4C - 4 degree Celcius
	NO - None

1. Expedited TAT not available for all testing, please call.
2. RUSH fees may apply if samples received with <48 hr hold time remaining.
3. MMLI reserves the right to return unused sample.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 14 2018

CERTIFIED MAIL RETURN RECEIPT

Abigail Duncan
Environmental Engineer
Century Aluminum of Kentucky, LLC
1627 State Route 2715
Hawesville, Kentucky 42348

Re: Century Aluminum of Kentucky, LLC, KYD049062375
Consent Agreement and Final Order, Docket No. RCRA -04-2018-4013(b)

Dear Ms. Duncan:

Enclosed please find a copy of the draft Consent Agreement and Final Order (CA/FO) in the above-referenced matter. Please review the draft CA/FO and if you don't have any comments or changes, then have the designated representative sign the document. The original document should then be returned within two weeks:

Héctor M. Danois, Environmental Engineer
Hazardous Waste Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Once all signatures are obtained, the EPA will forward the CA/FO to the Regional Judicial Officer for signature and mail you a copy of the fully executed document. The CA/FO is effective on the date it is filed with the Regional Hearing Clerk. The penalty due date is calculated from that time, as well.

Thank you for your assistance in resolving this matter. If you have any questions, please feel free to contact me at 404-562-8556 or by email at danois.hector@epa.gov.

Sincerely,

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
RCR Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2018-4013(b)
	)	
Century Aluminum of Kentucky, LLC	)	
1627 State Route 2715	)	Proceeding Under Section 3008(a) of the
Hawesville, Kentucky 42348	)	Resource Conservation and Recovery Act,
EPA ID No.: KYD049062375	)	42 U.S.C. § 6928(a)
	)	
Respondent	)	
	)	

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the Kentucky Revised Statutes (KRS) Title XVIII, Chapter 224, Subchapter 46-Hazardous Waste *et seq.* (2006) [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939g], and the regulations promulgated pursuant thereto and set forth at Title 401 of the Kentucky Administrative Regulations (K.A.R.) Chapters 30 through 38, 43 and 44 (2006) [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270, 273, & 279]. This action seeks injunctive relief and the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of KRS subchapters 224.46 *et seq.* (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] and 401 K.A.R. Chapters 30-38, 43 and 44 (2006) [40 C.F.R. Parts 260 through 270 & 279].

2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.

5. Respondent is Century Aluminum of Kentucky, LLC, a corporation incorporated under the laws of Delaware. Respondent is the owner and operator of a primary aluminum manufacturer located at 1627 State Route 2715 in Hawesville, Kentucky (the Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Commonwealth of Kentucky (Kentucky) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized Kentucky program are found at KRS § 224.46-012 *et seq.* (2006) and 401 K.A.R. Chapters 30 through 38, 43 and 44 (2006).

7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. Kentucky has received final authorization for certain portions of HSWA, including those recited herein.

8. Although the EPA has granted Kentucky authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and Kentucky.

9. As Kentucky's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized Kentucky program; however, for ease of reference, the federal citations will follow in brackets.

10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to Kentucky before issuance of this CA/FO.

11. KRS § 224.46-510(1) (2006) [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at 401 K.A.R. Chapter 32 (2006)[1] [40 C.F.R. Part 262 (2016)].

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[1] Kentucky's newly adopted Generator Improvements Rule regulations are currently under review by EPA and have not yet been authorized. Accordingly, this CA/FO will refer to the latest version of Kentucky's authorized regulations and their federal analogs effective in 2016, prior to the effective date of the federal Generator Improvements Rule.

12. KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at 401 K.A.R. Chapter 34 (2006) (permitted) and 401 K.A.R. Chapter 35 (2006) (interim status)] [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].

13. Pursuant to 401 K.A.R. 31:010 Section 2 (2006) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.

14. Pursuant to 401 K.A.R. 31:005 Section 3 (2006) [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in 401 K.A.R. 31:010 Section 3(b) (2006) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by 401 K.A.R. 31:010 Section 4 (2006) [40 C.F.R. § 261.4(b)]

15. Pursuant to 401 K.A.R. 31:010 Section 3(b)1. (2006) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20] solid wastes that exhibit any of the characteristics identified in 401 K.A.R. 401 K.A.R. 31:030 Sections 2-5 (2006) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D0043.

16. Pursuant to 401 K.A.R. 401 K.A.R. 31:030 Section 1 and 3 (2006) [40 C.F.R. §§ 261.20 and 261.22], a solid waste that exhibits the characteristic of corrosivity is a hazardous waste and is identified with the EPA Hazardous Waste Number D002.

17. Pursuant to 401 K.A.R. 31:30 Sections 1 and 5 (2006) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to 401 K.A.R. 31:030 Section 5 (2006) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for chromium is identified with the EPA Hazardous Waste Number D007.

18. Pursuant to 401 K.A.R. 31:30 Sections 1 and 5 (2006) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to 401 K.A.R. 31:030 Section 5 (2006) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for lead is identified with the EPA Hazardous Waste Number D008.

19. Pursuant to 401 K.A.R. 31:005 Section 1(111) (2006), "generator" means any person, by site, whose act or process produces waste. (See KRS § 224.01-010(13) (2006))

20. Pursuant to 401 K.A.R. 31:005 Section 1(93)(a) (2006) [40 C.F.R. § 260.10], a "facility" includes "all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste." A facility may consist of several treatment, storage or disposal units (e.g., one or more landfills, surface impoundments, or combinations of them).

21. Pursuant to 401 K.A.R. 30:005 Section 1(22) (2006), a "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association,

federal agency, state agency, city, commission, political subdivision of the Commonwealth of Kentucky, or any interstate body. (See KRS § 224.01-010(17))

22. Pursuant to 401 K.A.R. 30:005 Section 1(20 and 19) (2006) [40 C.F.R. § 260.10], an "owner" is "any the person who owns an on-site or off-site waste facility or any part of a facility" and an "operator" is "any person responsible for the overall operation of a facility, including any private contractor conducting operational activities at a federal facility."

23. Pursuant to 401 K.A.R. 30:005 Section 1(28) (2006) [40 C.F.R. § 260.10], "storage" means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes. (See KRS 224.01-010(28))

24. Pursuant to 401 K.A.R. 35:005 Section 1(273) (2006), "tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen material which provides structural support.

25. Pursuant to 401 K.A.R. 44:005 Section 1(15) (2006) [40 C.F.R. § 260.10 (2016)], "used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

26. Pursuant to 401 K.A.R. 32:010 Section 2 (2006) [40 C.F.R. § 262.11 (2016)], a person who generates a waste, as defined in 401 K.A.R. 31:010 Section 2 (2006) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in 401 K.A.R. 32:010 Section 2 (2006) [40 C.F.R. § 262.11 (2016)].

27. Pursuant to 401 K.A.R. 32:030 Section 5(1) (2006) [40 C.F.R. § 262.34(a) (2016)], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a Large Quantity Generator (LQG) and may accumulate hazardous waste on site for 90 days or less without a permit or without having interim status, as required by KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the management requirements listed in 401 K.A.R. 32:030 Section 5(1) (2006) [40 C.F.R. § 262.34(a)(1)-(4) (2016)] (hereinafter referred to as the "LQG Permit Exemption").

28. Pursuant to 401 K.A.R. 32:030 Section 5(1)(a)2. (2006) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates 401 K.A.R. 35:190 (2006) [40 C.F.R. Part 265, Subpart J], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tank systems is required to comply with the tank standards of 401 K.A.R. 35:190 (2006) [40 C.F.R. Part 265, Subpart J].

29. Pursuant to 401 K.A.R. 32:030 Section 5(1)(c) (2006) [40 C.F.R. § 262.34(a)(3) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to label or clearly mark each container and tank accumulating hazardous waste on-site with the words: "Hazardous Waste."

30. Pursuant to 401 K.A.R. 32:030 Section 5(1)(a)2. (2006) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates 401 K.A.R. 35:190 Section 3(1) (2006) [40 C.F.R. § 265.192(a), and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must obtain a written tank assessment reviewed and certified by a qualified Professional

Engineer, attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

31. Pursuant to 401 K.A.R. 32:030 Section 5(1)(a)2. (2006 [40 C.F.R. § 262.34(a)(1)(ii)(2016)], which incorporates 401 K.A.R. 35:190 Section 6 (2006) [40 C.F.R. § 265.195(e)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must conduct daily inspections of tank ancillary equipment that is not provided with secondary containment.

32. Pursuant to 401 K.A.R. 32:030 Section 5(3)(a) (2006) [40 C.F.R. § 262.34(c)(1) (2016)], a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 401 K.A.R. 32:030 Section 5(1)(a) (2006) [40 C.F.R. § 262.34(a) (2016)], provided that the generator complies with the satellite accumulation area conditions listed in 401 K.A.R. 32:030 Section 5(3)(a) 1.-2. (2006) [40 C.F.R. § 262.34(c)(1)(i)-(ii) (2016)] (hereinafter referred to as the "SAA Permit Exemption").

33. Pursuant to 401 K.A.R. 32:030 Section 5(3)(a)1. (2006) [40 C.F.R. § 262.34(c)(1)(i) (2016)], which incorporates 401 K.A.R. 35:180 Section 4(1) (2006) [40 C.F.R. § 265.173(a)], and is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.

34. Pursuant to 401 K.A.R. 44:020 Section 3(2) (2006) [40 C.F.R. § 279.22(b)(1)], containers and aboveground tanks used to store used oil at the generator must be in good condition (no severe rusting, apparent structural defects or deterioration).

35. Pursuant to 401 K.A.R. 44:020 Section 3(3)(a) (2006) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

IV. EPA ALLEGATIONS AND DETERMINATIONS

36. Respondent is a "person" as defined in 401 K.A.R. 31:005 Section 1(203) (See KRS 224.01-010(17)).

37. Respondent is the "owner and operator" of a "facility" located at 1627 State Route 2715 in Hawesville, Kentucky, as those terms are defined in 401 K.A.R. 30:005 Section 1(194 and 192) (2006) and 401 K.A.R. 31:005 Section 1(93)(a) (2006).

38. Respondent is a "generator" of "hazardous waste" as those terms are defined in 401 K.A.R. 31:005 Section 1(111) (2006) (See KRS 224.01-010(13)) [40 C.F.R. § 260.10] and 401 K.A.R. 31:005 Section 1(311) (2006) (See KRS § 224.01-010(31)(b)). [40 C.F.R. § 261.3].

39. Respondent operates a primary aluminum smelter.

40. Respondent, as a result of its practices and operations at the Facility, is a LQG, as that term is defined in 401 K.A.R. 32:030 Section 5(1) (2006) [40 C.F.R. § 262.34(a) (2016)], at all times relevant to this CA/FO.

41. Respondent, as a result of its practices and operations at the Facility, is a generator of used oil, as that term is defined in 401 K.A.R. 43:005 Section 1(254) (2006) [40 C.F.R. § 273.9], at all times relevant to this CA/FO.

42. On August 9-10, 2017, the EPA and KYDEP (the "inspection team") conducted a RCRA compliance evaluation inspection (CEI) at the facility. The EPA's findings of the CEI were documented in a report mailed to Respondent, dated January 22, 2018.

43. At the time of the CEI, the inspection team observed numerous 1-gallon cans of paint that were abandoned in a locked shed. Respondent didn't know if the paint waste was a hazardous waste nor did Respondent know how long the paint waste had been stored in the shed. At some point after the inspection, Respondent conducted a hazardous waste determination, and determined the paint waste to be a hazardous waste. On January 1, 2018, Respondent disposed of approximately 530 lbs. of waste paint, as a hazardous waste.

44. The EPA therefore alleges that Respondent violated KRS 224.46-510(2) (2006) and 401 K.A.R. 31:010 Section 2 (2006) [40 C.F.R. § 262.11 (2016)], by failing to make a hazardous waste determination on paint waste stored in the paint storage shed.

45. At the time of the CEI, the inspection team observed a waste mixture of coke and water accumulated at the bottom of the cooling tower. Based on analytical records reviewed by the inspection team, dated from 2014 and 2017, the waste mixture is D002/D007/D008 characteristic hazardous waste. The cooling tower was storing a hazardous waste and was therefore acting as a tank. Respondent failed to manage the tank as a hazardous waste tank, including failing to meet RCRA tank standards, tank labeling requirements, tank integrity testing requirements, and daily tank inspection requirements.

46. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption given in 401 K.A.R. 32:030 Section 5(1)(a)2. (2006) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by not complying with the tank standards of 401 K.A.R. 35:190 (2006) [40 C.F.R. Part 265, Subpart J].

47. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth at 401 K.A.R. 32:030 Section 5(1)(c) (2006) [40 C.F.R. § 262.34(a)(3) (2016)], by not labeling or clearly marking the tank accumulating hazardous waste on-site with the words: "Hazardous Waste."

48. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth at 401 K.A.R. 32:030 Section 5(1)(a)2. (2006) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates 401 K.A.R. 35:190 Section 3(1) (2006) [40 C.F.R. § 265.192(a)], and

which requires a generator accumulating hazardous waste in tanks to obtain a written tank assessment reviewed and certified by a qualified Professional Engineer, attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

49. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth at 401 K.A.R. 32:030 Section 5(1)(a)2. (2006) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates 401 K.A.R. 35:190 Section 6 (2006) [40 C.F.R. § 265.195(e)], and which requires a generator accumulating hazardous waste in tanks to conduct daily inspections of tank ancillary equipment that is not provided with secondary containment.

50. At the time of the CEI, the inspection team found one open 13-gallon SAA container storing aerosol cans at the Green Carbon Building and two open 30-gallon SAA containers storing aerosol cans at the Mobile Equipment Garage.

51. The EPA therefore alleges that Respondent violated KRS § 224.46-520(1) (2006) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SAA Permit Exemption set forth in 401 K.A.R. 32:030 Section 5(3) (2006) [40 C.F.R. § 262.34(c)(1)(i) (2016)], by not complying with the container management requirements of 401 K.A.R. 35:180 Section 4(1) (2006) [40 C.F.R. § 265.173(a)].

52. At the time of the CEI, the inspection team observed two 55-gallon drums of used oil at the Used Oil Building and the Hydraulic Shop that were not labeled with the words "Used Oil."

53. The EPA therefore alleges that Respondent violated K.A.R. 44:020 Section 3(3)(a) (2006) [40 C.F.R. § 279.22(c)(1)], by storing used oil in containers that were not labeled or marked clearly with the words "Used Oil."

54. At the time of the CEI, the inspection team observed one 55-gallon drum of used oil that was dented and in poor condition.

55. The EPA therefore alleges that Respondent violated 401 K.A.R. 44:020 Section 3(1) (2006) [40 C.F.R. § 279.22(b)(1)], which requires that containers and aboveground tanks used to store used oil at the generator must be in good condition (no severe rusting, apparent structural defects or deterioration).

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements, Allegations and Determinations, the parties agree to the following:

56. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

57. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.

58. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.

59. Respondent consents to the issuance of this specified compliance order.

60. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*

61. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.

62. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

63. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.

64. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.

65. Each party will pay its own costs and attorneys' fees.

66. The terms, conditions, and compliance requirements of this Consent Agreement may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.

VI. WORK TO BE PERFORMED

67. Within 30 days of the effective date of this CA/FO, Respondent consents to submit a Work Plan to address the storage of the mixture of coke and water accumulated at the bottom of the cooling tower and comply with the tank standards in 401 K.A.R. 35:190 (2006) [40 C.F.R. Part §265.191 thru 196]. At a minimum the Work Plan must address the tank standards and include the following:

a. Stringent design standards and installation requirements for new tanks
b. Specifications for secondary containment and leak detection systems
c. General operating requirements
d. Inspection requirements: frequency and scope
e. Response to spills or leaks
f. Requirements for tanks that are unfit for use
g. Date of installation and operation

68. The Work Plan submitted to the EPA pursuant to this CA/FO shall include a detailed schedule for all work to be performed.

VII. PAYMENT OF CIVIL PENALTY

69. Respondent consents to the payment of a civil penalty in the amount of FIFTY-FIVE THOUSAND FOUR HUNDRED DOLLARS ($55,400.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.

70. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1818

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Contact: John Schmid, (202) 874-7026
REX (Remittance Express): 1-866-234-5681

71. Respondent shall submit a copy of the payment each payment to the following individuals:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

And to:

Héctor M. Danois, Environmental Engineer
Hazardous Waste Compliance and Enforcement Section
Enforcement and Compliance Branch
RCR Division, US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

72. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement or, if paying in installments, not paid in accordance with the installment schedule provided above. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).

b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars ($15.00) on any late payment, with an additional charge of fifteen dollars ($15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.

c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

73. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VIII. PARTIES BOUND

74. This CA/FO shall be binding on Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.

75. No change in ownership, partnership, corporate or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.

76. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

IX. RESERVATION OF RIGHTS

77. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health or the environment.

78. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.

79. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

X. OTHER APPLICABLE LAWS

80. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

XI. SERVICE OF DOCUMENTS

81. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in this proceeding:

Joan Redleaf Durbin
Associate Regional Counsel
Office of RCRA/CERCLA Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9544

82. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents Respondent in this matter and who is authorized to receive service for Respondent in this proceeding:

John A. Beaver
EHS Manager
Century Aluminum of Kentucky, LLC
1627 State Route 2715
Hawesville, Kentucky 42348

XII. SEVERABILITY

83. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.

This space intentionally left blank.

XIII. EFFECTIVE DATE

84. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

In the matter of Century Aluminum of Kentucky, LLC, Docket No. **RCRA-04-2018-4013(b):**

AGREED AND CONSENTED TO:

Century Aluminum of Kentucky, LLC

By: _____ Dated: _____
John A. Beaver
EHS Manager
Century Aluminum of Kentucky, LLC

United States Environmental Protection Agency

By: _____ Dated: _____
Larry L. Lamberth, Chief
Enforcement and Compliance Branch
Resource Conservation and Restoration Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2018-4013(b)
	)	
Century Aluminum of Kentucky, LLC	)	
1627 State Route 2715	)	Proceeding Under Section 3008(a) of the
Hawesville, Kentucky 42348	)	Resource Conservation and Recovery Act,
EPA ID No.: KYD049062375	)	42 U.S.C. § 6928(a)
	)	
Respondent	)	
_____	)	

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this _____ day of _____, 2018.

BY: _____
Tanya Floyd
Regional Judicial Officer
EPA Region 4

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of Century Aluminum of Kentucky, LLC, Docket Number: RCRA-04-2018-4013(b), and have served the parties listed below in the manner indicated:

Joan Redleaf-Durbin
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Quantindra Smith
Enforcement and Compliance Branch
RCR Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Héctor M. Danois
Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
RCR Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

John A. Beaver
EHS Manager
Century Aluminum of Kentucky, LLC
1627 State Route 2715
Hawesville, Kentucky 42348

(Via Certified Mail - Return Receipt Requested)

Date: _____

_____

Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 18 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joseph S. Stalker
Environmental Engineer
Century Aluminum
9404 State Route 2096
Robards, Kentucky 42452-9735

SUBJ: Opportunity to Show Cause
Century Aluminum, EPA ID No.: KYD 058 692 526

Dear Mr. Stalker:

The U.S. Environmental Protection Agency and the Kentucky Department for Environmental Protection (KDEP) conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) on July 23-24, 2014, at the Century Aluminum facility located at 9404 State Route 2096 in Robards, Henderson County, Kentucky (hereinafter known as the "Facility"). The purpose of the inspection was to evaluate the Facility's compliance with applicable RCRA regulations.

The EPA has determined that your Facility may not be in compliance with several requirements of Title XVIII of Kentucky Revised Statutes (Ky. Rev. Stat. Ann., or KRS) Chapter 224.46 *et. seq.* (Subtitle C of RCRA, 42 U.S.C. §§ 6921 to 6939f) and the regulations promulgated pursuant thereto, found within Title 401 Kentucky Administrative Regulations (Ky. Admin. Reg. or KAR) and set forth at 401 Ky. Admin. Reg. Chapters 30-40 (Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 260-279)) based on potential deficiencies observed during the CEI. The observation made during the inspection are summarized in the enclosed RCRA CEI Report.

Please provide a detailed written response within **fourteen days** following receipt of this letter describing any action that the Facility has taken and/or intends to take in relation to the observations documented in the RCRA CEI Report. Your response should be mailed to:

Alan Newman, Environmental Engineer
Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
U.S. EPA, Region 4
10th Floor – Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

You are also being offered the opportunity to meet with the EPA at its regional office located at the Atlanta Federal Center located at 61 Forsyth Street, S.W. Atlanta, Georgia, 30303, or by teleconference, to show cause why the EPA should not take formal enforcement action against the Facility pursuant to

Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), relating to the observations and finding of the inspection. The facility may elect to be represented by legal counsel at this meeting and should be prepared to present relevant information and documentation pertaining to the EPA's observed deficiencies.

The EPA may determine that a formal enforcement action is appropriate and may assess civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). Therefore, the Facility has the opportunity to present factors and documentation that could mitigate any penalties that may be assessed against the Facility, including information on the Facility's ability to pay a penalty. You may review the RCRA Civil Penalty Policy on-line at: http://www2.epa.gov/sites/production/files/documents/rcpp2003-fnl.pdf, and the revised penalty matrices on-line at: http://www2.epa.gov/sites/production/files/documents/revisionpenaltypolicy04910.pdf.

Please be advised that any information provided by the Facility at the meeting may be used by the EPA in any civil or criminal proceedings related to this or other matters. Any False, fictitious, or fraudulent material omissions, statements, or representations may subject the Facility to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If you choose to accept this offer to meet with the EPA, you should contact Alan Newman within fourteen days following receipt of this letter to schedule a meeting or conference call. Alan Newman can be reached at (404) 562 – 8589 or by email at newman.alan@epa.gov.

If your facility is a small business, the Small Business Regulator Enforcement and Fairness Act (SBREFA) provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an Agency enforcement activity. Enclosed is a copy of the Office of Enforcement and Compliance Assurance Small Business Information Sheet (Enclosure A). This comment will provide you with information regarding compliance and rights the Facility may be entitled to under the SBREFA. You may also find this document on-line at: http://www.epa.gov/compliance/resources/publications/incentives/smallbusiness/smallbusresources.pdf

Please feel free to contact Alan Newman if you have any technical questions regarding the observations and findings from the inspection performed at the Facility.

Sincerely,

César A. Zapata
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosures

cc: Curtis Scott, KDEP – Madisonville Field Office w/enclosures
Brian Osterman, KDEP – Frankfort w/enclosures
Anthony Hatton, KDEP – Frankfort w/enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 18 2015

Mr. Anthony Hatton
Director, Division of Waste Management
Kentucky Department for Environmental Protection
200 Fair Oaks Lane, 2nd Floor
Frankfort, Kentucky 40601

SUBJ: Opportunity to Show Cause and RCRA Compliance Evaluation Inspection
Notice of Agency Intent to Pursue Formal Enforcement
Action Pursuant to RCRA Section 3008(a)
Century Aluminum, EPA ID No.: KYD 058 692 526

Dear Mr. Hatton:

On July 23, 2014, a U.S. Environmental Protection Agency lead compliance evaluation inspection (CEI) was conducted at the Century Aluminum facility in Robards, Kentucky to determine the facility's compliance status with the Resource Conservation and Recovery Act (RCRA). Enclosed is the Show Cause letter and CEI report documenting apparent violations of RCRA.

Pursuant to RCRA Section 3008(a)(2), 42 U.S.C. § 6928(a)(2),this letter shall serve as notice to the Kentucky Department of Environmental Protection (KDEP) that EPA Region 4 is pursuing formal enforcement action against Century Aluminum the facility's owner/operator.

With this enforcement action, the EPA is seeking the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of Title XVIII of Kentucky Revised Statutes Chapter 224.46 *et seq*., [Subtitle C of RCRA, 42 U.S.C. §§ 6921 - 6939e] and the regulations promulgated pursuant thereto at Title 401 Kentucky Administrative Regulations Chapters 30-40 [40 C.F.R. Parts 260 through 270, 273 and 279].

If you have any questions regarding this matter, please contact Alan Newman, of my staff, by phone at (404) 562-8589 or by email at newman.alan@epa.gov .

Sincerely,

César A. Zapata
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure

RCRA COMPLIANCE EVALUATION INSPECTION REPORT

1) Inspector and Author of Report

Alan Newman
Environmental Engineer
Enforcement and Compliance Branch
EPA Region 4, AFC - 10th Floor
61 Forsyth Street
Atlanta, Georgia 30303
(404) 562 - 8589

2) Facility Information

Century Aluminum
9404 State Route 2096
Robards, Kentucky 42234
EPA ID No.: KYD 058 692 526

3) Primary Contact

Mr. Joseph S. Stalker
Environmental Engineer
(270) 521-7365
Joe.stalker@centuryaluminum.com

4) Inspection Participants

Danny Carroll	Century Aluminum
Brandon Coomes	Century Aluminum
Joseph Stalker	Century Aluminum
Mike Bean	Century Aluminum
James Edge	Century Aluminum
Chris Stone	Century Aluminum
Curtis Scott	KDEP - Madisonville
Alan Newman	EPA Region 4

5) Date and Time of Inspection

July 23-24, 2014, 8:40 a.m. Central Standard Time

6) Applicable Regulations

Sections 3002 and 3007 of RCRA 40 C.F.R. Parts 260 through 268, 270, 273 and 279, and the Kentucky Revised Statues and Title 401 Kentucky Administrative Regulations (KAR) Chapters 30-40.

7) Purpose of Inspection

To conduct an unannounced EPA lead compliance evaluation inspection and determine the facility's compliance status with the applicable RCRA regulations.

8) Facility Description

Century Aluminum-Sebree LLC (Century Aluminum or the facility) (former Rio Tinto-Sebree Works) is a primary aluminum smelting plant and operates as a large quantity generator of hazardous waste. The facility generates 11 hazardous waste streams, including:

1. Spent Pot Liner (SPL),
2. Mixed Laboratory Waste Solvents,
3. Miscellaneous Petroleum-Based Waste (rarely generated),
4. Lab Pack Solid (rarely generated),
5. Lab Pack Liquid (rarely generated),
6. Lead Paint Chips (contingency),
7. Mercury Containing Devices (rarely generated),
8. Waste Compressed Gas-Ethyl Ether (contingency),
9. Waste Aerosols (rarely generated),
10. Waste Ink and Acetone Mixture, and
11. Waste Sodium Hydroxide and Sodium Hypochloride (contingency).

Generally, aluminum ore is shipped to the facility by barge. The aluminum ore is stored prior to introduction into the process. During production, alumina is placed into reduction cells (pots) along with carbon electrodes that are manufactured on site. When electric current is applied, a reduction reaction separates the aluminum metal. The molten aluminum sinks to the bottom of the pot, and gaseous by-products form at the top of pot. The gases are cleaned with fluoride scrubbers to remove contaminants before being released. Molten aluminum is siphoned from the bottom of the pot and then transported to a holding furnace to be cast into ingots and billets.

Century Aluminum began operations at this location in 1974 and employs approximately 500 workers. Workers are on four 12-hour rotating shifts. The facility occupies approximately 2,600 acres. Century Aluminum operates 24 hours a day, seven days a week, 365 days a year.

9) Findings

On July 23, 2014, Alan Newman with the EPA, along with Curtis Scott with the Kentucky Department for Environmental Protection (KDEP) arrived at the facility at approximately 8:40 a.m. Danny Carroll received the inspectors. The inspectors introduced themselves, showed their credentials, and explained the purpose of the visit. Facility representatives conducted a brief overview of their operations and pointed out the different locations where hazardous waste were generated and stored.

Century Aluminum operates three pot lines with 128 pots per line for a total of 384 pots. The pots have a steel shell with a series of insulating linings including refractory brick. Inside the pot, cathode carbon blocks are cemented together with ramming paste at the bottom of the pot. The

top surface of the cathode is in contact with the molten metal. The prebaked anode block is also made of carbon and is suspended at the top and into the electrolytic reducing bath. The life of a pot is approximately four to five years.

The bulk of hazardous waste generated at this facility occurs during the routine maintenance of the pots, which generates spent pot liner (SPL), a K088 listed hazardous waste (spent aluminum potliner from primary aluminum reduction). "Tap out" occurs when the insulation layers of the pot are breached and the wall of the pot fails. When tap out occurs, the pot is taken out of service for maintenance. The resulting K088 SPL hazardous waste removed from the pot is collected in a roll off box, which is located next to the pot. During tap out, when waste material falls into the basement underneath the pot, workers separate materials that can be reworked and accumulate K088 SPL hazardous waste into hoppers. Roll off boxes are taken either to the 90-day or less intermodal hazardous waste container storage area on the west side of the facility or to Building 138W. Full hoppers are taken to Building 138W and are stored in the 90-day or less hazardous waste storage area. Once the pot is cleaned out, it is removed and sent for abrasive blasting in a controlled access room within Building 138W. Once the pot is clean of all debris, it is repaired at Potroom Utility and eventually returned to service. K088 SPL hazardous waste is transported off-site on a daily basis; and other hazardous waste streams are shipped off-site as needed.

The inspection team toured the pot lines. Inspectors observed several pots within the line that were in different stages of being replaced (photo 1), including a pot that had undergone tap out (photo 2).

- **Area 050**

The inspection team noted one satellite accumulation area (SAA) with one 55-gallon container that held aerosol cans in Area 050 (photo 3). This container was properly labeled and closed.

- **Building 138W**

Building 138W is approximately three stories tall and houses an enclosed interior room used to abrasively blast pots to further remove K088 residual waste from the surface of the pots (Photos 8-9). Century Aluminum also consolidates K088 SPL hazardous waste from hoppers into intermodal boxes for transport offsite. This abrasive blast room is generally enclosed and is attached to a bag house to collect fugitive emissions from operations in the room (Photo 10). There is at least one man-door and one large roll up door used for access and egress to the abrasive blast room. The inspection team was not able to enter or see into the abrasive blast room during the inspection due to safety concerns. Personnel are required to wear respirators when entering or working in this room. In addition to the abrasive blast room, Building 138W also houses a 90-day or less hazardous waste container storage area for full hoppers of K088 SPL hazardous waste, a bag house for the abrasive blast room, and a SAA for accumulation of personal protective equipment.

The inspection team noted a layer of dust covering the floor and equipment in the portion of Building 138W available for inspection (photo 6). Century Aluminum was storing a large pile of flexes along one wall of this building. These flexes were covered in dust (photo 7). Mr. James Edge stated that the dust on the floor and the dust on the flexes included SPL hazardous waste

dust. Mr. Edge stated that the flexes had been in this area for the last four months. Waste mixtures containing a hazardous and solid waste component are hazardous wastes. Facility representatives stated that the floor was cleaned at the end of each day. The floor sweepings were being managed as K088 SPL hazardous waste. At the time of the inspection, it appeared that it had been some time since the last cleanup had occurred or the cleaning procedure had not been effective. 40 C.F.R. § 262.34 sets out conditions for exception to the permitting requirements for treatment, storage and/or disposal of hazardous waste. Century Aluminum was storing K088 SPL hazardous waste dust on the floor and on the flexes and not in containers, tanks, drip pads, or containment buildings. Storage of hazardous waste without a permit can be exempt as long as certain requirements are met. It did not appear that Century Aluminum was meeting any of the exemption requirements for this waste and had not been for at least the previous four months. The contingency plan was not implemented with the spill of hazardous waste in this area.

Pursuant to 401 KAR 32:030 Section 5(1) (40 C.F.R. § 262.34(a)). This regulation requires that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that certain requirements are met. One requirement is that waste is placed either in containers, in tanks, on drip pads, or in containment buildings. At the time of the inspection, the K088 hazardous waste was not being managed appropriately.

Pursuant to Section 224.46-520 of the Kentucky Statutes, K.R.S. § 224.46-520 (Section 3005 of RCRA, 42 U.S.C. § 6925), no person shall engage in the storage, treatment, recycling, or disposal of hazardous waste without first notifying the cabinet and obtaining a construction and operation permits from the cabinet. At the time of the inspection, the Facility had not applied for a permit to manage the waste in the manner in which it was being managed.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:030 Section 2 (40 C.F.R. § 262.34(a)(4) which incorporates 40 C.F.R. § 265.31), the owner or operator must maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. At the time of the inspection, the hazardous waste K088 posed a risk to human health and the environment due to its mismanagement.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:040 Section 2 (40 C.F.R. § 262.34(a)(4) which incorporates 40 C.F.R. § 265.51(b)), the provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

The inspection team asked about the source of the dust on the floor and equipment in Building 138W. Facility representatives stated that the abrasive blast room could be one of the possible sources of the dust (photo 8). Century Aluminum was operating an abrasive blasting operation in the enclosed area within building 138W to remove K088 SPL hazardous waste from pots (photo 9). The facility also utilized this space to consolidate waste from the hoppers into intermodal containers for shipment off-site. Facility personnel stated that abrasive blast material used in the interior building was not always containerized when generated or at the end of each shift.

Facility representatives stated that spent abrasive blast material was on the floor of the room on the day of the inspection. The inspection team did not go into this area because a respirator was required. Facility personnel stated that they could not open the door without the inspection team donning respirators. The waste generated in this room was managed as K088 SPL hazardous waste. The abrasive blast room appears to be operating primarily as a hazardous waste containment building. However, this building is not meeting several requirements to operate as a permit-exempt containment building under RCRA. Specifically, the requirements that need to be met include conducting weekly inspections, preventing fugitive dust emissions, and obtaining a professional engineer certification that the design of the building meets the requirements in 40 C.F.R. Subpart DD, among other requirements.

Pursuant to 401 KAR 32:030 Section 5(1) (40 C.F.R. § 262.34(a)). This regulation requires that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that certain requirements are met. One requirement is that waste is placed either in containers, in tanks, on drip pads, or in containment buildings.

Pursuant to Section 224.46-520 of the Kentucky Statutes, K.R.S. § 224.46-520 (Section 3005 of RCRA, 42 U.S.C. § 6925), no person shall engage in the storage, treatment, recycling, or disposal of hazardous waste without first notifying the cabinet and obtaining a construction and operation permits from the cabinet.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:030 Section 2 (40 C.F.R. § 262.34(a)(4) which incorporates 40 C.F.R. § 265.31), the owner or operator must maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Pursuant to 401 KAR 35:245 (40 C.F.R. § 265 Subpart DD), the requirements of this subpart apply to owners or operators who store or treat hazardous waste in units designed and operated under 40 C.F.R. §265.1101 of this subpart (Containment Buildings).

- **The 90-Day Or Less Hazardous Waste Container Storage Areas of Building 138W**

On the day of the inspection, the inspection team noted 13 full hoppers containing K088 SPL hazardous waste (photo 4) in the 90-day or less hazardous waste container storage area of Building 138W. Facility representatives stated that the waste in these hoppers was accumulated from pot failures underneath the pot lines. The hoppers in this building did not have adequate aisle space. Facility personnel moved these containers to create adequate aisle space during the inspection. One of the 13 hoppers was not labeled with an accumulation start date. Workers in this area stated that this container was brought to this location on the day of the inspection. This container was properly labeled during the inspection. The containers were in good condition and closed on the day of the inspection.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:030 Section 6 (40 C.F.R. § 262.34(a)(4) which incorporates 40 C.F.R. § 265.35), the owner or operator

must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency, unless aisle space is not needed for any of these purposes.

Pursuant to 401 KAR 32:030 Section 5(1) (40 C.F.R. § 262.34(a)(2)), a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that: (2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

Century Aluminum was operating a bag house to capture fugitive emissions from the abrasive blast room; the bag house and the abrasive blast room are located inside Building 138W (photo 10). At the time of the inspection there was a hopper staged underneath a bag house that was accumulating K088 SPL hazardous waste dust from the abrasive blast room operations (photo 11). The hopper underneath the bag house was open on the day of the inspection and labeled as hazardous waste with an accumulations start date of April 24, 2014. This container had been in storage for 90 days. Facility representatives stated that this was intended to be satellite accumulations storage. The inspection team looked and estimated that more than 55-gallons of K088 SPL hazardous waste dust was in this container. The facility personnel agreed with the inspectors estimate.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:180 Section 4 (40 C.F.R. § 262.34(a)(1)(i) which incorporates 40 C.F.R. § 265.173(a)). This regulation requires that the owner or operator must always close containers holding hazardous waste during storage, except when it is necessary to add or remove waste.

- **Satellite Storage Area in Building 138W**

The facility was managing one SAA for the accumulation of personal protective equipment generated in Building 138W (photo 5). This SAA consisted of one 55-gallon plastic container with a flip lid. This container was in good condition and labeled. However this container was considered open on the day of the inspection. A flip lid is insufficient for a closure device for a container of hazardous waste. This SAA container was also dated with an accumulation start date. SAA containers are not required to be dated. Once the SAA exceeds 55 gallons of waste any excess waste is required to be dated and removed from the SAA within three days.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:180 Section 4 (40 C.F.R. § 262.34(c)(1)(i) which incorporates 40 C.F.R. § 265.173(a)), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

Pursuant to 401 KAR 32:030 Section 5(1) (40 C.F.R. § 262.34(c)(2)), a generator who accumulates either hazardous waste or acutely hazardous waste listed in § 261.31 or § 261.33(e) in excess of the amounts listed in paragraph (c)(1) of this section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter. During the three day period the generator must continue to comply with paragraphs (c)(1)(i) and (ii) of this section.

The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

- **Intermodal Boxes**

Century Aluminum was operating a 90-day or less hazardous waste container storage area on the west side of the facility in an uncovered gravel parking lot. This area was fairly flat. There was no secondary containment or bermed areas. There were 31 intermodal boxes in storage on the day of the inspection (photo 12). The oldest accumulation start date was June 26, 2014. Each of the boxes appeared to be closed and in good condition. The labels on these containers were fading but legible on the day of the inspection. The inspection team noted that some of the containers were potentially mislabeled with the EPA Waste number 'K008' instead of the EPA Waste number 'K088.' Facility representatives confirmed that the appropriate EPA Waste number for every one of these containers was K088. This number is not required to be on the container while in 90-day or less storage. The EPA recommends that the facility monitor the labels on these containers to ensure they are not faded and are marked accurately.

The inspection team noted discolored solid rock-like pieces on the ground and on top of the containers in the intermodal hazardous waste storage area (photos 13-16). It appears that some of the hazardous waste that was supposed to be in these containers was lying on the ground in this area. The facility failed to implement the contingency plan when this waste was spilled onto the gravel area. Facility representatives appeared to be unaware that some of the K088 SPL hazardous waste had been spilled in this area although it was noted in multiple inspections of this area in the 2013 inspection documentation. Prior to the inspection report being completed, Century Aluminum submitted documentation that appears to show the released pieces of K088 SPL hazardous waste that have been removed from the gravel.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:040 Section 2 (40 C.F.R. § 262.34(a)(4) which incorporates 40 C.F.R. § 265.51(b)), the provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

Pursuant to Section 224.46-520 of the Kentucky Statutes, K.R.S. § 224.46-520 (Section 3005 of RCRA, 42 U.S.C. § 6925), no person shall engage in the storage, treatment, recycling, or disposal of hazardous waste without first notifying the cabinet and obtaining a construction and operation permits from the cabinet.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:030 Section 2 (40 C.F.R. § 262.34(a)(4) which incorporates 40 C.F.R. § 265.31), the owner or operator must maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

- **Universal Waste**

At the time of the inspection, the facility was accumulating universal waste lamps in a central storage area (photos 17-19). The inspection team noted that there were two open boxes of 4-foot lamps and one open box of 8-foot lamps. Two boxes were not structurally sound to support the weight on top of them without losing shape. These boxes appeared to be crushed. Facility representatives appeared to have little regard for preserving the integrity of universal waste in this area. It appears that further training is needed to promote compliance. The date of the last shipment of universal waste lamps was on March 12, 2014. Facility representatives stated that all lamps are taken when a shipment is made. The facility was accumulating crushed lamps, D009, in an SAA 55-gallon container. The container lid was not closed properly and was considered open. The lid was closed by facility personnel during the inspection. All boxes were repackaged or closed during the second day of the inspection.

Pursuant to 401 KAR 43:020 Section 4 (40 C.F.R. § 273.13(d)(1)), for failing to properly containerize universal waste lamps in structurally sound containers or packages that prevent breakage and are compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

Pursuant to 401 KAR 43:020 Section 7 (40 C.F.R. § 273.16), a small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:180 Section 4 (40 C.F.R. § 262.34(c)(1)(i) which incorporates 40 C.F.R. § 265.173(a)), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

- **Maintenance and Rodding**

In the automotive maintenance area (Building 044), the facility was accumulating gas/diesel fuel and K088 SPL hazardous waste in separate satellite accumulation areas (photos 20-22). The inspection team noted the 55-gallon fiber container accumulating Gas/Diesel was properly labeled, in good condition, and open because the bung of the container was not screwed into the bung hole. The facility is also managing used oil in this area. The inspection team noted that the transfer containers for maintenance were not labeled as used oil; the accumulation tank was properly labeled with the words, "Used Oil" (photos 23-24). In Rodding 232, the inspection team observed a 55-gallon container for accumulating acetone waste (ink and cleaner), a hazardous waste. This SAA container was properly labeled and in good condition; however, the container was open (photos 25-26). The funnel used on this container did not have a gasket. The facility provided documentation that each of these containers was in compliance subsequent to the inspection.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:180 Section 4 (40 C.F.R. § 262.34(c)(1)(i) which incorporates 40 C.F.R. § 265.173(a)), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

Pursuant to 401 KAR 44:020 Section 3(1) (40 C.F.R. § 279.22(c)(1)), containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

- **Record Review**

The inspectors reviewed the contingency plan, training records, monthly and weekly inspection records, annual reports, and manifests for 2011, 2012, and 2013.

The contingency plan for Century Aluminum did not have the current emergency coordinators or their home addresses and home phone numbers. Century Aluminum failed to amend the contingency plan when changes in personnel occurred. Subsequent to the inspection, a current list of emergency coordinators was submitted and appears to be accurate.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:040 Section 3 (40 C.F.R. § 262.34(a)(4) which incorporates 40 C.F.R. § 265.52(d)), the contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see §265.55), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:040 Section 5 (40 C.F.R. § 262.34(a)(4) which incorporates 40 C.F.R. § 265.54(d)), the contingency plan must be reviewed, and immediately amended, if necessary, whenever: (d) the list of emergency coordinators changes.

During the records review, the inspection team reviewed manifest number 006185379 dated November 13, 2012. The facility was unable to demonstrate that the treatment, storage, and/or disposal (TSD) copy had been returned in a timely manner. The facility did not file an exception report for this manifest. Facility representatives were able to obtain a copy from the TSD during the record review.

Pursuant to 401 KAR 32:040 Section 4 (40 C.F.R. § 262.42(a)(2)), a generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in §261.31or §261.33(e) in a calendar month, must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

Records of inspections were reviewed for 2013. There were several issues noted with these inspections. A table summarizing the inspection notations is attached noting specifically that waste was observed on the outside of containers and some containers had holes. Additional instances where clamps or closure devises were unable to be closed or tears in tarps were noted on inspection sheets but not included in the attached summary table. From the observations in the table, it appears that containers were noted to be in poor condition. These observations were

repeated in subsequent weeks for the identical container. The facility failed to transfer the hazardous waste into a container in good condition. This inspection documentation did not include resolution of issues noted during the inspection.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:180 Section 2 (40 C.F.R. § 262.34(a)(1)(i) which incorporates 40 C.F.R. § 265.171), if a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part.

During the record review, it was noted that the hazardous waste manifests for shipments made in 2011 did not appear to match the amount indicated on the previously submitted 2011 annual report. This report was amended and resubmitted after the inspection. The amended report documented an additional 15,572 pounds of hazardous waste shipped offsite. Additional state fees were also paid at the time of the resubmittal.

Pursuant to 401 KAR 32:040 Section 3(1), a generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States shall prepare and submit a "Hazardous Waste Annual Report," DEP Form 7072. The "Hazardous Waste Annual Report" shall be submitted to the cabinet no later than March 1 to report information for the preceding calendar year.

In 2013, one shipment of hazardous waste was manifested to Safety Kleen in Smithfield, Kentucky. The facility did not submit a duplicate copy of the Hazardous Waste Annual Report to the county judge/executive of the county within which the waste site or facility which will receive the waste from the generator is located. Subsequent to the inspection, the facility documented that a copy was sent to the appropriate county judge/executive.

Pursuant to 401 KAR 32:040 Section 3(3), generators shall provide a duplicate copy of the Hazardous Waste Annual Report to the county judge/executive of the county or chief executive officer of an urban county government within which the waste site or facility which will receive waste from the generator is located and to the county judge/executive of the county or chief executive officer of an urban-county government within which the generator is located, in order that the county judge/executive or chief executive officer may make the report available to the county law enforcement and emergency services for emergency planning purposes.

While reviewing the hazardous waste training records, it was noted that Danny Carroll, the environmental manager, had not received hazardous waste training for over 18 months. The facility submitted documentation of his training that was conducted subsequent to the inspection on August 25, 2014. The inspection team noted that there were multiple hazardous waste management issues. The inspection team reviewed the training program and it appeared to be sufficient. However, it appeared to the inspection team that the workers failed to implement the hazardous waste managing practices noted in the training.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:020 Section 7 (40 C.F.R. § 262.34(a)(4) which incorporates 40 C.F.R. § 265.16(a)(1)), facility personnel

must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (d)(3) of this section.

Pursuant to 401 KAR 32:030 Section 5(1) which incorporates 401 KAR 35:020 Section 7 (40 C.F.R. § 262.34(a)(4) which incorporates 40 C.F.R. § 265.16(c)), facility personnel must take part in an annual review of the initial training required in paragraph (a) of this section.

10) Signed

Alan R. Newman
Environmental Engineer

2/3/2015
Date

11) Concurrence

Larry L. Lamberth
Chief, Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch

2/12/15
Date

Photo 1: Pot in process of being cleaned out.

Photo 4: Building 138W storing K088 hazardous waste in hoppers.

Photo 2: Example of a pot tap out.

Photo 5: Building 138W SAA for storing PPE.

Photo 3: Aerosol can SAA container.

Photo 6: Building 138W dust on floor. Identified as K088 dust.

Photo 7: Building 138W storing flexes covered with K088 dust.

Photo 10: Bag house for Abrasive Blast Room.

Photo 8: Building 138W abrasive blast room.

Photo11: Building 138W Hopper accumulating K088 hazardous waste from abrasive blast bag house.

Photo 9: Pot in transit to Building 138W for abrasive blasting.

Photo 12: Intermodal Box in 90 day or less hazardous waste container storage area.

Photo 13: K088 waste on top of Intermodal Box in 90-day or less hazardous waste container storage.

Photo 14: K088 waste next to Intermodal Box in 90-day or less hazardous waste container storage.

Photo 15: K088 waste next to Intermodal Box in 90-day or less hazardous waste container storage.

Photo 16: K088 waste next to Intermodal Box in 90-day or less hazardous waste container storage.

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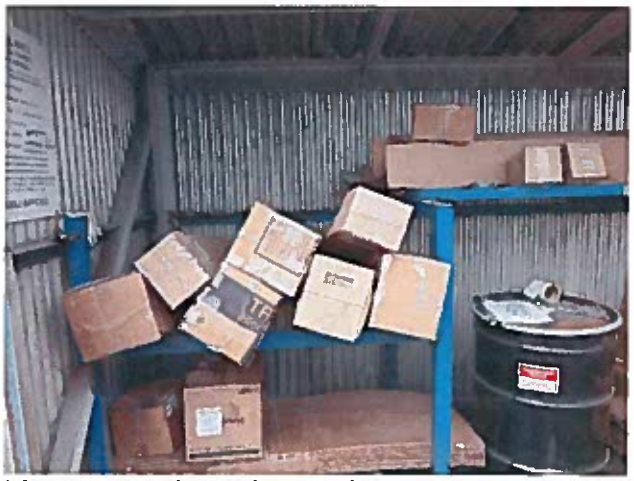

Photo 17: Universal waste lamp storage.

Photo 18: Universal waste lamp storage.

Photo 19: Universal waste lamp storage.

Photo 20: Gas/Diesel SAA – Open bung.

Photo 21: Gas/Diesel SAA – Open bung.

Photo 22: K088 SAA in maintenance area.

Photo 23: Containers of Used Oil. Some of these containers were not labeled with the words Used Oil.

Photo 25: Acetone SAA container.

Photo 24: Tank of Used Oil.

Photo 26: Acetone SAA Container with funnel without gasket.

Date of Inspection	Number of Container	Date of Accumulation	Issue noted by Century Aluminum	Subsequent Observations	Corrections noted?
1/2/2013	1385708	11/1/2012	Hole in the rear side of the contianer. A seal was previously placed in the same location that has degraded. No SPL was noted to have leaked out.	1/8/2013 1/14/2013	No
2/27/2013	1385722	1/27/2013	SPL on side rail of box; box lid damaged.	3/14/2013 3/18/2013	No
3/4/2013	CHIU 258050	2/22/2013	SPL on side rail of box; box lid damaged.		No
4/22/2013	CLHA 258033	3/27/2013	A hole in the front of the box the size of a fork lift tong.	5/2/2013 5/8/2013 5/17/2013 5/21/2013 5/29/2013 6/4/2013	No
4/22/2013	1385710	4/15/2013	A hole in the back of the box the size of a fork lift tong.	5/2/2013	No
5/2/2013	1385708	4/26/2013	A hole in the rear of the box. This hole has previously been repaired with putty and the putty has come off.		No
5/2/2013	CHIU 252166	3/27/2013	The rear door will not seal shut.		No
5/2/2013	CLHA 258034	4/15/2013	Material needs to be cleaned off side of box. Material has not leaked out but was not put into box properly.	5/8/2013 5/17/2013	No
5/2/2013	CHIU 258088	3/27/2013	Material needs to be cleaned off side of box. Material has not leaked out but was not put into box properly.		No
5/8/2013	1385711	4/21/2013	Appears to have a hole in the bottom front but the hole is not in the portion of the container that has material.		No

Date of Inspection	Number of Container	Date of Accumulation	Issue noted by Century Aluminum	Subsequent Observations	Corrections noted?
5/8/2013	CHIU 259006	5/2/2013	Material needs to be cleaned off top side of box. Material has not leaked out but was not put into box properly.	5/17/2013	No
5/17/2013	CHIU 207012	5/7/2013	Material needs to be cleaned off top side of box. Material has not leaked out but was not put into box properly.		No
5/29/2013	CHIU 258082	5/21/2013	Material needs to be cleaned off side of box. Material has not leaked out but was not put into box properly.	6/4/2013	No
6/26/2013	1385716	5/23/2013	A hole in the back of the box. The box is also mission the placards.		No
8/1/2013	1385721	7/3/2013	Small hole noted on the front of the box. No material has leaked out.	8/9/2013 8/13/2013 8/20/2013 8/28/2013 9/3/2013 9/10/2013 9/17/2013	No
8/9/2013	CHIU 258403	7/8/2013	Material noted on top of the box.	8/13/2013	No
9/3/2013	1385717	8/24/2013	Medium hole in side of box. No material has leaked out. Communicated to MV.	9/10/2013 9/17/2013	No

Detailed Facility Report

Facility Summary

ALUMAX OF SOUTH CAROLINA INC

3575 HIGHWAY 52, GOOSE CREEK, SC 29445

FRS (Facility Registry Service) ID: 110056954470
EPA Region: 04
Latitude: 33.051743
Longitude: -80.054289
Locational Data Source: EIS
Industries: Primary Metal Manufacturing
Indian Country: N

Enforcement and Compliance Summary

Statute	Compliance Monitoring Activities (5 years)	Date of Last Compliance Monitoring Activity	Compliance Status	Qtrs with NC (Noncompliance) (of 12)	Qtrs with Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CAA	47	03/16/2020	**High Priority Violation**	11	11	4	1	$22,000	--	--
CWA	--	--	Terminated Permit	0	0	--	--	--	--	--
RCRA	1	08/29/2019	**No Violation Identified**	2	0	2	--	--	--	--
TSCA	--	--	--	--	--	--	--	--	--	--

Regulatory Information

Other Regulatory Reports

Clean Air Act (CAA): Operating Major (SC00004200015)
Clean Water Act (CWA): Minor, Permit Terminated; Compliance Tracking Off (SCR000004)
Resource Conservation and Recovery Act (RCRA): Active LQG (SCD097366165)
Safe Drinking Water Act (SDWA): No Information

Air Emissions Inventory (EIS): 4834911
Greenhouse Gas Emissions (eGGRT): 1002112
Toxic Releases (TRI): 29445LMXFSHIGHW
Compliance and Emissions Data Reporting Interface (CEDRI): CEDRI124340, CEDRI122621

Known Data Problems

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110056954470					N	33.051743	-80.054289
ICIS		3601270539					N	33.051743	-80.054289
ICIS-Air	CAA	SC00004200015	Major Emissions	Operating	CAAMACT, CAANSPS, CAAPSD, CAASIP, CAATVP		N		
CEDRI	CAA	CEDRI124340					N	33.051743	-80.054289
CEDRI	CAA	CEDRI122621					N	33.051743	-80.054289
EIS	CAA	4834911					N	33.051743	-80.054289
GHGRP	CAA	1002112	Direct Emitter	Reporting Year 2020: Reporting and meeting Verification requirements.	General Stationary Fuel Combustion, Aluminum Production		N		
ICIS-NPDES	CWA	SCR000004	Minor: General Permit Covered Facility	Terminated; Compliance Tracking Off	Industrial Stormwater	12/25/2010	N	33.384207	-79.930595
TRI	EP313	29445LMXFSHIGHW	Toxics Release Inventory	Last Reported for 2020			N	33.051743	-80.054289
RCRAInfo	RCRA	SCD097366165	LQG	Active (H)			N	32.98	-80.031667
TSCA	TSCA	100604585					N	33.384207	-79.930595
TSCA	TSCA	TSCA5298					N		

Facility Address

System	Statute	Identifier	Facility Name	Facility Address	Facility County
FRS		110056954470	ALUMAX OF SOUTH CAROLINA INC	3575 HIGHWAY 52, GOOSE CREEK, SC 29445	Berkeley County
ICIS		3601270539	ALUMAX OF SOUTH CAROLINA INC	3575 HIGHWAY 52, GOOSE CREEK, SC 29445	Berkeley County
ICIS-Air	CAA	SC00004200015	CENTURY ALUMINUM OF SOUTH CAROLINA INC	3575 HWY 52, GOOSE CREEK, SC 29445	Berkeley County
CEDRI	CAA	CEDRI124340	ALUMAX OF SOUTH CAROLINA	3575 HWY 52 N, GOOSE CREEK, SC 29445	Berkeley County
CEDRI	CAA	CEDRI122621	ALUMAX OF SOUTH CAROLINA	3575 HWY 52 N, GOOSE CREEK, SC 29445	Berkeley County
EIS	CAA	4834911	CENTURY ALUMINUM OF SOUTH CAROLINA INC	3575 HWY 52 N, GOOSE CREEK, SC 29445	Berkeley County

System	Statute	Identifier	Facility Name	Facility Address	Facility County
GHGRP	CAA	1002112	Century Aluminum of South Carolina, Inc.	3575 HIGHWAY 52, GOOSE CREEK, SC 29445	Berkeley County
ICIS-NPDES	CWA	SCR000004	ALUMAX OF SC	SC, GOOSE CREEK, SC 29445	Berkeley County
TRI	EP313	29445LMXFSHIGHW	CENTURY ALUMINUM OF SOUTH CAROLINA	3575 HWY 52, GOOSE CREEK, SC 29445	Berkeley County
RCRAInfo	RCRA	SCD097366165	CENTURY ALUMINUM OF SC INC.	3575 HWY 52, GOOSE CREEK, SC 29445	Berkeley County
TSCA	TSCA	100604585	ALUMAX OF SOUTH CAROLINA INC	3575 HIGHWAY 52, GOOSE CREEK, SC 29445	
TSCA	TSCA	TSCA5298	ALUMAX OF SOUTH CAROLINA INC	3575 HIGHWAY 52, GOOSE CREEK, SC 29445	

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
TRI	29445LMXFSHIGHW	3334	Primary Aluminum
TRI	29445LMXFSHIGHW	3714	Motor Vehicle Parts And Accessories
ICIS-NPDES	SCR000004	3334	Primary Aluminum
NPDES	SCR000004	3334	Primary Aluminum

Facility Industrial Effluent Guidelines

Identifier	Effluent Guideline (40 CFR Part)	Effluent Guideline Description
No data records returned		

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
GHGRP	1002112	331313	Alumina Refining and Primary Aluminum Production
TRI	29445LMXFSHIGHW	331311	Alumina Refining
TRI	29445LMXFSHIGHW	331312	Primary Aluminum Production
TRI	29445LMXFSHIGHW	331313	Alumina Refining and Primary Aluminum Production
TRI	29445LMXFSHIGHW	331314	Secondary Smelting and Alloying of Aluminum
EIS	4834911	331313	Alumina Refining and Primary Aluminum Production
ICIS-Air	SC00004200015	331313	Alumina Refining and Primary Aluminum Production
RCRAInfo	SCD097366165	331313	Alumina Refining and Primary Aluminum Production
RCRAInfo	SCD097366165	331314	Secondary Smelting and Alloying of Aluminum

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned			

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	09/24/2021	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Title V CCR	State	08/18/2021	Reviewed: 09/08/2021 Facility Reported Deviations
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	06/02/2021	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	04/28/2021	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	04/28/2021	Findings: Fail
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	03/25/2021	Findings: Fail
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	03/25/2021	Findings: Pass

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Title V CCR	State	02/16/2021	Reviewed: 03/17/2021 Facility Reported Deviations
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	10/21/2020	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	09/24/2020	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	06/20/2020	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	FCE On-Site	State	03/16/2020	
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	03/05/2020	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Title V CCR	State	02/19/2020	Reviewed: 03/16/2020 Facility Reported Deviations
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	02/19/2020	Findings: Fail
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE On-Site	State	10/17/2019	
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	10/17/2019	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	10/03/2019	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	09/27/2019	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	09/27/2019	Findings: Fail
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	09/24/2019	Findings: Fail
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	05/22/2019	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	05/01/2019	Findings: Fail
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	05/01/2019	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	03/07/2019	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Title V CCR	State	02/19/2019	Reviewed: 03/11/2019 Facility Reported Deviations
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	01/23/2019	Findings: Fail
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	01/23/2019	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	12/19/2018	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE On-Site	State	09/28/2018	
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	09/28/2018	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	09/28/2018	Findings: Fail
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE On-Site	State	09/20/2018	
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE On-Site	State	09/10/2018	
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	08/22/2018	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	04/18/2018	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	FCE On-Site	State	03/28/2018	
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Title V CCR	State	02/15/2018	Reviewed: 03/28/2018 Facility Reported Deviations
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE On-Site	State	02/13/2018	
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	11/24/2017	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	10/13/2017	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	07/26/2017	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	05/18/2017	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	04/01/2017	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	03/22/2017	Findings: Pass
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Stack Test	State	02/22/2017	Findings: Pass

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
CAA	SC00004200015	ICIS-Air	Inspection/Evaluation	PCE Title V CCR	State	02/13/2017	Reviewed: 03/27/2017 Facility Reported Deviations
RCRA	SCD097366165	RCRAInfo		COMPLIANCE EVALUATION INSPECTION ON-SITE	State	08/29/2019	Violations Or Compliance Issues Were Found
TSCA	*3601270539*	*ICIS*	*Offsite Record Review*	*Desk Audit*	*EPA*	*04/19/2021*	
TSCA	*3601270539*	*ICIS*	*Information Request*	*Formal*	*EPA*	*02/12/2021*	

Entries in italics are not counted in EPA compliance monitoring strategies or annual results.

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
CAA	SC00004200015	Yes	02/12/2022	11	02/11/2022
CWA	SCR000004	No	09/30/2021	0	02/11/2022
RCRA	SCD097366165	No	02/12/2022	2	02/11/2022

Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type				QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12+
	CAA (Source ID: SC00004200015)				04/01-06/30/19	07/01-09/30/19	10/01-12/31/19	01/01-03/31/20	04/01-06/30/20	07/01-09/30/20	10/01-12/31/20	01/01-03/31/21	04/01-06/30/21	07/01-09/30/21	10/01-12/31/21	01/01-03/31/22
	Facility-Level Status				**No Violation Identified**	**High Priority Violation**	**High Priority Violation**	**High Priority Violation**	**High Priority Violation**	**High Priority Violation**	**High Priority Violation**	**High Priority Violation**	**High Priority Violation**	**High Priority Violation**	**High Priority Violation**	**High Priority Violation**
	HPV History					Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State	Unaddressed-State
	Violation Type	**Agency**	**Programs**	**Pollutants**												
CAA	HPV	SC	CAAMACT	TOTAL PARTICULATE MATTER					06/30/2020	→	→	→	→	→	→	01/28/2022
CAA	HPV	SC	CAAMACT	TOTAL PARTICULATE MATTER						07/17/2020	→	→	→	→	→	→
CAA	HPV	SC	CAAMACT	TOTAL PARTICULATE MATTER										08/20/2021	→	→
CAA	HPV	SC	CAAMACT	Fluoride										08/20/2021	→	→
CAA	HPV	SC	CAATVP	TOTAL PARTICULATE MATTER					06/03/2020	→	→	→	→	→	→	→
CAA	HPV	SC	CAATVP	TOTAL PARTICULATE MATTER		09/23/2019	→	→	→	→	→	→	→	→	→	01/28/2022
CAA	HPV	SC	CAATVP	TOTAL PARTICULATE MATTER		08/30/2019	→	→	→	→	→	→	→	→	→	01/28/2022
CAA	HPV	SC	CAATVP	TOTAL PARTICULATE MATTER					06/03/2020	→	→	→	→	→	→	→
CAA	HPV	SC	CAATVP	TOTAL PARTICULATE MATTER		08/30/2019	→	→	→	→	→	→	→	→	→	01/28/2022

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13+
	CWA (Source ID: SCR000004)	10/01-12/31/18	01/01-03/31/19	04/01-06/30/19	07/01-09/30/19	10/01-12/31/19	01/01-03/31/20	04/01-06/30/20	07/01-09/30/20	10/01-12/31/20	01/01-03/31/21	04/01-06/30/21	07/01-09/30/21	10/01-02/11/22
	Facility-Level Status	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit	Terminated Permit
	Quarterly Noncompliance Report History													

Statute	Program/Pollutant/Violation Type		QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12+
	RCRA (Source ID: SCD097366165)		04/01-06/30/19	07/01-09/30/19	10/01-12/31/19	01/01-03/31/20	04/01-06/30/20	07/01-09/30/20	10/01-12/31/20	01/01-03/31/21	04/01-06/30/21	07/01-09/30/21	10/01-12/31/21	01/01-03/31/22
	Facility-Level Status		**No Violation Identified**	**Violation Identified**	**Violation**	**No Violation Identified**	**No Violation Identified**	**No Violation Identified**	**No Violation Identified**	**No Violation Identified**	**No Violation Identified**	**No Violation Identified**	**No Violation Identified**	**No Violation Identified**
	Violation	**Agency**												

Statute	Program/Pollutant/Violation Type		QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12+
RCRA	262.H: Generators - Transboundary Shipments for Recovery	SC		08/29/2019	11/01/2019									

Informal Enforcement Actions (5 Years)

Statute	System	Source ID	Type of Action	Lead Agency	Date
CAA	ICIS-Air	SC00004200015	Notice of Violation	State	09/16/2021
CAA	ICIS-Air	SC00004200015	Notice of Violation	State	09/23/2019
CAA	ICIS-Air	SC00004200015	Notice of Violation	State	12/03/2018
CAA	ICIS-Air	SC00004200015	Notice of Violation	State	10/01/2018
RCRA	RCRAInfo	SCD097366165	RETURN TO COMPLIANCE LETTER	State	11/05/2019
RCRA	RCRAInfo	SCD097366165	30-DAY COMPLIANCE WARNING LETTER	State	09/20/2019

Entries in italics are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.

Formal Enforcement Actions (5 Years)

Statute	System	Law/Section	Source ID	Action Type	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Action Date	Federal Penalty Assessed	State/Local Penalty Assessed	Penalty Amount Collected	SEP Cost	Comp Action Cost
CAA	ICIS-Air	OTHER	AIR/SC00004200015	Administrative - Formal	SC000A0420001500555	State		12/31/2021	1	12/31/2021	$0	$22,000		$0	$0

Environmental Conditions

Watershed(s)

12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Water Body Name (ICIS (Integrated Compliance Information System))	Beach Closures Within Last Year	Beach Closures Within Last Two Years	Pollutants Potentially Related to Impairment	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
030502010201	Walker Swamp		No	No		Yes

Assessed Waters From Latest State Submission (ATTAINS)

State	Report Cycle	Assessment Unit ID	Assessment Unit Name	Water Condition	Cause Groups Impaired	Drinking Water Use	Aquatic Life	Fish Consumption Use	Recreation Use	Other Use
SC	2018	SCST-007	ST-007	Impaired - 303(d) Listed	ORGANIC ENRICHMENT/OXYGEN DEPLETION		Not Supporting			
SC	2018	SCST-031	ST-031	Impaired - 303(d) Listed	MERCURY			Not Supporting		

Air Quality Nonattainment Areas

Pollutant	Within Nonattainment Status Area?	Nonattainment Status Applicable Standard(s)	Within Maintenance Status Area?	Maintenance Status Applicable Standard(s)
No data records returned				

Pollutants

Air Pollutant Report TRI Pollution Prevention Report

Toxics Release Inventory History of Reported Chemicals Released in Pounds per Year at Site

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Transfers
29445LMXFSHIGHW	2020	425,990	5	14			425,995	58,914
29445LMXFSHIGHW	2019	449,760	5	17			449,765	68,881
29445LMXFSHIGHW	2018	480,761	4	2			480,765	71,710
29445LMXFSHIGHW	2017	508,417	4	14		0	508,421	78,581
29445LMXFSHIGHW	2016	484,751	7	12		0	484,758	72,440
29445LMXFSHIGHW	2015	736,964	7	11		1	736,972	53,109
29445LMXFSHIGHW	2014	894,550	8	0		1	894,559	65,944
29445LMXFSHIGHW	2013	950,509	6	10		0	950,515	99,515
29445LMXFSHIGHW	2012	1,009,071	4	11		1	1,009,076	103,257
29445LMXFSHIGHW	2011	1,114,201	2	2		0	1,114,203	101,699

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011
1,1,1-Trichloroethane										
Aluminum (fume or dust)	53,321	61,814	64,714	70,657	64,835	50,794	61,948	90,997	91,740	91,284
Aluminum oxide (fibrous forms)										
Benzo[g,h,i]perylene	13	9	32	32	34	108	103	18	5,742	5,232
Carbonyl sulfide	376,033	381,736	412,614	444,039	369,684	598,095	756,616	780,000	790,000	900,000
Chlorine										
Chromium								741	1,947	1,935
Copper	1,330	1,328	1,328	1,327	1,329	1,326	1,326	1,372	1,329	1,325
Cyanide compounds										
Dinitrotoluene (mixed isomers)						3,868	1,987	3,500	2,600	220
Hydrogen fluoride	45,389	62,934	62,934	59,162	71,593	127,278	127,443	132,000	130,000	125,000
Hydrogen sulfide					38,506					
Lead				115	299	333	374	390	714	614
Manganese	8,319	10,109	10,138	10,924	10,032	7,443	9,243	13,447	14,432	14,560
Mercury										0
Phenanthrene										
Polycyclic aromatic compounds	504	716	716	748	886	837	1,462	1,565	48,029	44,731
Sodium hydroxide (solution)										
Sulfuric acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)								26,000	25,800	31,000

Community

EJSCREEN EJ Indexes

Eleven primary environmental justice (EJ) indexes of EJSCREEN, EPA's screening tool for EJ concerns. EPA uses these indexes to identify geographic areas that may warrant further consideration or analysis for potential EJ concerns. The index values below are for the Census block group in which the facility is located. Note that use of these indexes does not designate an area as an "EJ community" or "EJ facility." EJSCREEN provides screening level indicators, not a determination of the existence or absence of EJ concerns. For more information, see the EJSCREEN home page.

Census Block Group EJ Indexes (percentile)	
Particulate Matter (PM 2.5)	28.4
Ozone	33.7
NATA Diesel PM	35.3
NATA Air Toxics Cancer Risk	18.4
NATA Respiratory Hazard Index (HI)	18.8
Traffic Proximity	23.9
Lead Paint Indicator	45.4
National Priority List (NPL) Site Proximity	35.6
Risk Management Plan (RMP) Site Proximity	44
Hazardous Waste Proximity	35.6
Wastewater Discharge Proximity	30.1

Number of EJ Indexes Above 80th Percentile
0

View EJSCREEN Report

Demographic Profile of Surrounding Area (1 Mile)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 U.S. Census and 2014 - 2018 American Community Survey (ACS) 5-year Summary and are accurate to the extent that the facility latitude and longitude listed below are correct. EPA's spatial processing methodology considers the overlap between the selected radii and the census blocks (for U.S. Census demographics) and census block groups (for ACS demographics) in determining the demographics surrounding the facility. For more detail about this methodology, see the DFR Data Dictionary.

General Statistics	
Total Persons (U.S. Census)	0
Population Density	0/sq.mi.
Percent People of Color	34%
Households in Area	128
Housing Units in Area	0
Total Persons (ACS (American Community Survey))	411
Households on Public Assistance	0
Persons With Low Income	71

Age Breakdown - Persons (%)	
Children 5 years and younger	--
Minors 17 years and younger	--
Adults 18 years and older	--
Seniors 65 years and older	--

Race Breakdown - Persons (%)	
White	--
African-American	--
Hispanic-Origin	--

General Statistics	
Percent With Low Income	17%

Geography	
Radius of Selected Area	1 mi.
Center Latitude	33.051743
Center Longitude	-80.054289
Land Area	100%
Water Area	0%

Income Breakdown - Households (%)	
Less than $15,000	1 (.78%)
$15,000 - $25,000	3 (2.34%)
$25,000 - $50,000	35 (27.34%)
$50,000 - $75,000	18 (14.06%)
Greater than $75,000	71 (55.47%)

Race Breakdown - Persons (%)	
Asian/Pacific Islander	--
American Indian	--
Other/Multiracial	--

Education Level (Persons 25 & older) - Persons (%)	
Less than 9th Grade	1 (.41%)
9th through 12th Grade	24 (9.8%)
High School Diploma	66 (26.94%)
Some College/2-year	94 (38.37%)
B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More	60 (24.49%)